

LOUISIANA SENATE 2017 FINAL EDITION

JOHN ALARIO, JR.
PRESIDENT OF THE SENATE

SESSIONS HIGHLIGHTS
SEPTEMBER 29, 2017

**1ST EXTRAORDINARY,
REGULAR AND
2ND EXTRAORDINARY SESSIONS**



2017

FINAL EDITION
OF
Legislative Sessions
Highlights



Agriculture/Rural Development

by: Curry Lann
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

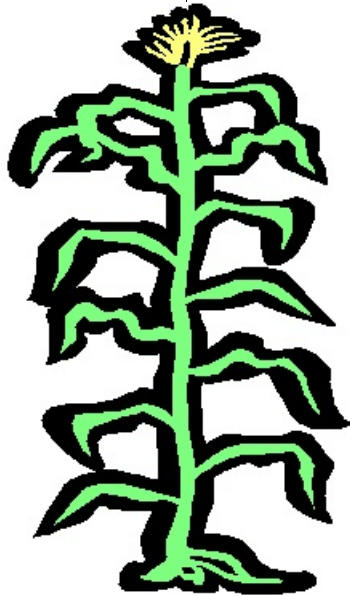
ANIMALS

Senate Bill 64 by Senator Gatti (Act 184) authorizes any animal shelter that maintains a social media account or a website to post pictures of every animal that enters the shelter upon intake and again prior to euthanasia of the animal. The legislation further requires shelter inspectors and shelter personnel to annually attend training offered by an organization that provides accredited continuing education courses regarding shelter safety, animal welfare, and state compliance procedures, such as the Louisiana Animal Control Association. The legislation mandates an online training option be made available and requires the state veterinarian to approve the training.

Senate Resolution 120 by Senator Milkovich (Sent to Secretary of State) memorializes Congress to take such actions as are necessary to support the domestic beef industry and adopt import and export policies that will protect the economic survival and

prosperity of the domestic beef industry in Louisiana and America and the nation's food supply.

Senate Bill 195 by Senator Cortez (Act 252) requires the Louisiana State Racing Commission to suspend all licenses, permits, and privileges granted to a permittee who has a final and definitive judgment rendered against him by a court of competent jurisdiction mandating payment of past due financial obligations to any individual or business for the boarding of horses.



House Bill 251 by Representative Schexnayder (Act 41) provides that after a declared emergency, an animal is considered abandoned when such animal is receiving temporary shelter services in a facility operated by the Department of Agriculture and Forestry and the owner has not claimed the animal within thirty days of the declared emergency. A reasonable effort must be made by the department to contact the owner.

House Bill 466 by Representative Chaney (Act 422) repeals the Louisiana Animal Welfare Commission within the office of the governor and create the Louisiana Animal Control Advisory Task Force within the Department of Agriculture and Forestry. The task force falls under the direction of the state

veterinarian with the purpose of assisting community programs to promote the proper treatment and well-being of animals. The legislation also authorizes the task force to maintain the voluntary Louisiana Animal Shelter Registry and repeal the Louisiana Pet Registry. The legislation moves funds donated to the commission from an income tax checkoff to the Louisiana Pet Overpopulation Advisory Council.

House Bill 593 by Representative Pugh (Act 69) provides relative to the regulation of turtles. Turtles raised in Louisiana can only be sold in overseas markets due to federal regulations. The legislation removes obsolete language pertaining to the regulation of turtles in Louisiana that applied before the federal ban was implemented.

FOOD SAFETY

Senate Bill 256 by Senator Thompson (Act 327) authorizes the Department of Agriculture and Forestry to work with the United States Department of Health and Human Services to implement the FDA Food Safety Modernization Act. The legislation further authorizes the commissioner to expend federal funds and adopt rules to enforce standards for growing, harvesting, packing, and holding of produce. The legislation provides for a criminal penalty of not more than five hundred dollars and a civil penalty of not more than one hundred dollars for violations. The legislation remains in effect only as long as the federal funds required to implement the provisions of the FDA Food Safety Modernization Act are provided.



DEPARTMENT OF AGRICULTURE AND FORESTRY

House Concurrent Resolution 68 by Representative McFarland (Sent to Secretary of State) requests the Department of Agriculture and Forestry to study the feasibility of implementing a master logger certification program under the office of forestry to be administered by the Louisiana Forestry Association. The resolution requires the department to report its findings and recommendations to the legislature on or before February 1, 2018.

House Resolution 113 by Representative Connick (Sent to Secretary of State) requests the Department of Agriculture and Forestry, in collaboration with the Louisiana State University Agricultural Center and Southern University Agricultural Research and Extension Center, to study the feasibility of promoting the growth, production, and use of organic produce in this state.

House Bill 298 by Representative Robby Carter (Act 56) decreases the amount of college credit needed for certification and licensing of agricultural consultants from four hours to three hours.

CO-OPERATIVE MARKETING ASSOCIATIONS

House Bill 431 by Representative Schexnayder (Act 65) provides for an expansion and clarification of the purposes of a co-operative marketing association. The legislation authorizes a cooperative marketing association to represent the interest of its members and engage in any lawful activity for which corporations may be formed.

Capital Outlay

by: Martha Hess
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The Capital Outlay Bill was not considered in the 2017 First Extraordinary Session.

House Bill 2 of the 2017 Regular Session by Representative Abramson (**Pending in Conference Committee**), would have provided for the comprehensive capital outlay budget for Fiscal Year 2017-2018; however, there was no vote on the Conference Committee report.

House Bill 2 of the 2017 Second Extraordinary Session by Representative Abramson (Act 4), provides for the comprehensive capital outlay budget for Fiscal Year 2017-2018, including funding from the following sources of monies:

Federal Funds (excluding TTF - Federal Funds)	\$	62,713,000
Transportation Trust Fund (TTF) - Federal Funds	\$	637,761,670
Transportation Trust Fund (TTF) - Regular	\$	168,265,658
Fees and Self-Generated Revenues	\$	48,574,970
Interagency Transfers	\$	41,377,106
Miscellaneous Statutory Dedications	\$	273,636,057
State General Fund	\$	1,500,000
Revenue Bonds	\$	<u>266,625,000</u>
TOTAL CASH PORTION	\$	1,500,453,461

Authorizes the funding of certain capital outlay projects from the sale of general obligation bonds for the projects delineated as follows:

Priority 1*	\$	916,077,155
Priority 2*	\$	112,480,198
Priority 5*	\$	1,193,296,885
TOTAL GENERAL OBLIGATION BONDS*	\$	2,221,854,138
BONDS NRP	\$	<u>99,830</u>
GRAND TOTAL ALL MEANS OF FINANCING*	\$	<u>3,722,407,429</u>

**These numbers do not include the 36 vetoed projects nor the 35 projects declared null for failure to comply with state law, and which reduced Total General Obligation Bonds and the Grand Total in the Enrolled Bill by \$119,696,500, comprised of reductions of \$14,914,100 in Priority 1; \$6,256,700 in Priority 2; and \$98,525,700 in Priority 5.*

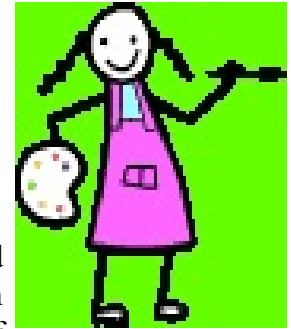
Bonds NRP is the reallocation of previously sold bonds.

*Section 16 of the Act limits cash lines of credit or the authorization of the issuance of general obligation bonds to **\$1,140,750,000.***



Children, Women & Family

by: Mary O'Brien
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session:

CHILDREN/JUVENILES

Senate Bill 16 by Senator Claitor (Act 277) deals with juveniles sentenced to life without parole and the United States Supreme Court prohibition on such sentences. In *Montgomery v. Louisiana, 571 U.S. ____, 136 S. Ct. 718 (2016)* the highest court further ruled that the prohibition is to have retroactive application, thus requiring Louisiana, and all states, to provide for the possibility of parole for these juveniles. This Act allows access to a parole hearing after a prisoner has served twenty-five years of the original sentence.

Senate Bill 66 by Senators Barrow and Thompson (Act 237) provides relative to the Children's Cabinet, including revising its termination date from 2018 to 2022 and providing for membership on the Children's Cabinet Advisory Board, with respect to the Children's Trust Fund Board, and authorizes the promulgation of rules regarding the provisions in the legislation.

Children and the termination of parental rights are the subject of **House Bill 343 by Representative Franklin (Act 151)**, which amends the Children's Code to provide that the victim of a sexual offense who is the

custodial parent of a child to be allowed to petition for the termination of parental rights of the perpetrator of such offense.

The Department of Children and Family Services (DCFS) is currently required to maintain a state central registry of persons determined to have committed child abuse or neglect. **House Bill 486 by Representative Johnson (Act 348)** establishes a state repository and provide for a judicial review of a determination of child abuse or neglect by a person whose name has been listed. DCFS is allowed to charge a fee, not to exceed \$25.00 to conduct a search of the registry, when specifically authorized. Any owner, operator, current or prospective employee, or volunteer of a juvenile detention facility or a specialized provider is prohibited from being employed by that facility if listed on the registry as a perpetrator of abuse or neglect.

House Bill 317 by Representative Bagley (Act 59) provides for the acceptance of a child surrendered for adoption by the Department of Children and Family Services or an agency that has been issued a child-placing or adoption license issued by the department.

WOMEN

Senate Bill 42 by Senator Johns and co-authored by twenty-three of his colleagues (Act 181) creates the Louisiana Human Trafficking Prevention Commission within

the office of the governor that would assist state and local leaders in the development and coordination of human trafficking prevention programs, working on how to transition human trafficking service providers to focus on outreach and prevention and to receive reports and recommendations from the Human Trafficking Prevention Commission Advisory Board, provided for in the legislation and whose members shall serve without compensation. Senator Johns has been active in the efforts to end and prevent human trafficking and to care for the victims of such horrific crimes against humanity, all issues difficult to approach and solve in a legislative context alone.

Senate Resolutions 68, 69, 79, and 80 by Senator Colomb (Sent to the Secretary of State) all recognize the young Louisiana women who received the "High School Women of Excellence" Award and a Louisiana Legislative Women's Caucus Foundation Scholarship. These young women are, respectively Tamiko Terraz Stroud, Kristen Blair Weimer, Shubhneet Warar, and Courtney Lynn Lott.

House Bill 223 by Representative Moreno (Act 84) provides a definition of "dating partners" in the context of crimes against one partner in a relationship by the other partner. Crimes of battery and aggravated assault between partners, possession of firearms in certain situations between dating partners and other similar provisions.

Several bills in both the Senate and the House dealt with the continuing issue of equal pay for women, however none of the bills (**Senate Bill 2 By Senator Morrell, House Bill 112 by Representative Bouie, House Bill 282 by Representative Norton and House Bill 384 by Representative Broadwater**) moved out of respective committees in each chamber.

FAMILY

House Bill 93 by Representative Miguez (Act 332) authorizes an immediate family member of a qualified law enforcement officer to purchase the officer's duty firearm upon the death of the officer.

House Bill 231 by Representative Thibaut (Act 408) amends the Louisiana Ethics Code relative to the immediate family member of a mayor of governing authority member, but restricted to small municipalities, which provides relative to transactions between an entity in which the immediate family member and the municipality, under certain conditions.

Civil Law & Procedure

by: Jerry Jones
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

House Bill 5 by Representative Jefferson (Act 16) provides for a mayor's court in the village of Athens.

House Bill 10 by Representative Terry Brown (Act 114) provides relative to the judicial expense fund for the Thirty-Fifth Judicial District.

House Bill 44 by Representative Jenkins (Act 182) provides relative to district court and juvenile court jurisdiction over adults in criminal proceedings.

House Bill 66 by Representative Magee (Act 126) provides relative to transcript fees charged by court reporters in Terrebonne Parish.

House Bill 73 by Representative Mack (Act 331) provides for the use of fees collected by the marshal of the city of Hammond.

House Bill 84 by Representative Miller (Act 129) provides relative to an increase in fees charged by court reporters in the 27th Judicial District Court.

House Bill 104 by Representative Leopold (Act 133) provides for an increase in certain

fees and costs in the Twenty-Fifth Judicial District Court.

House Bill 115 by Representative Cromer (Act 197) provides for the continuous revision of community property laws.

House Bill 121 by Representative G. Miller (Act 198) provides relative to a detailed descriptive list in an independent administration of estates.

House Bill 129 by Representative Davis (Act 96) provides relative to small successions.

House Bill 136 by Representative Jefferson (Failed House Final Passage) would have provided certain time periods for no-fault divorce and interim spousal support.

House Bill 137 by Representative Jenkins (Act 294) provides relative to the filing by electronic means or otherwise of requests for medical review panels.

House Bill 227 by Representative Shadoin (Act 268) provides relative to sealing and delivering of depositions.

House Bill 244 by Representative Hilferty (Act 409) authorizes certain business records to be self-authenticated.

House Bill 270 by Representative Hodges (Senate Judiciary A) would have provided relative to requirements for marriage license

application.

House Bill 280 by Representative Marino (Act 148) provides relative to birth certificates in certain cases of adoption.

House Bill 317 by Representative Bagley (Act 59) provides for acceptance of a child surrendered for adoption by the Department of Children and Family Services.

House Bill 327 by Representative Schexnayder (Act 415) establishes the Ascension Parish Courthouse Fund for the construction of a new courthouse for the Twenty-Third Judicial District Court and the Ascension Parish Court.

House Bill 328 by Representative Coussan (Act 102) provides relative to extinction of rights relating to immovable property.

House Bill 343 by Representative Franklin (Act 151) provides relative to termination of parental rights.

House Bill 400 by Representative Garofalo (Act 62) provides relative to cancellation of mortgages and certain form requirements for financial institutions.

House Bill 415 by Representative Leger (Notice given subject to call -House concurrence) would have enacted the "Allen Toussaint Legacy Act" for the purpose of creating an individual property right of identity.

House Bill 439 by Representative Zeringue (Act 419) provides for revisions to the Code of Civil Procedure and related provisions of the Revised Statutes, including certain judicial authorization for persons seeking to marry.

House Bill 524 by Representative Schroder (Act 91) provides relative to the stay of discovery by district attorney in certain civil proceedings.

House Bill 525 by Representative Seabaugh (Senate Judiciary A) would have provided relative to state or local law enforcement liability for violation of certain federal detainer orders under certain circumstances.

House Bill 527 by Representative Havard (Senate Judiciary A) would have provided requirements relative to Transportation Network Companies.

House Bill 560 by Representative Hunter (Act 363) provides with respect to legislative continuance in court proceedings.

House Bill 627 by Representative Dwight (Act 158) provides relative to transcript fees charged by court reporters in the 14th Judicial District.

House Bill 679 by Representative Garofalo (Subject to call - Senate final passage) would have provided relative to suspension or extension of prescription, peremption, and certain legal deadlines.

House Bill 680 by Representative Marino (Act 264) provides relative to child support when a parent is incarcerated.

House Concurrent Resolution 2 by Representative Foil (Sent to the Secretary of State) requests the Louisiana State Law Institute to study tutorship and the legal capacity of an emancipated minor.

House Concurrent Resolution 10 by Representative Dwight (Sent to the Secretary of State) requests the Louisiana State Law Institute to study the laws governing paternity and birth certificates.

House Concurrent Resolution 36 (Sent to the Secretary of State) requests a study and recommendations by the Louisiana State Law Institute concerning the prospective use of the term "d/Deaf" in law.

Senate Bill 9 by Senator Allain (Act 105) provides relative to servitudes of natural drainage.

Senate Bill 54 by Senator Mizell (Act 376) provides relative to exploited children.

Senate Bill 72 by Senator Milkovich (Failed-House final passage) would have provided relative to right of oral argument in contradictory proceedings.

Senate Bill 81 by Senator W. Bishop (Act 239) provides relative to curatorship.

Senate Bill 109 by Senator Claitor (Act 186) provides for the suspension and extension of prescription and preemption due to 2016 flooding disaster.

Senate Bill 121 by Senator Ward (Act 381) provides relative to court-ordered and other mandatory examinations in civil and administrative matters and claims.

Senate Bill 129 by Senator Allain (Act 244) provides relative to indemnity for right and servitude of passage on certain waterways.

Senate Bill 236 by Senator Lafleur (Act 173) provides relative to clerks of court and certain fees charged.

Senate Concurrent Resolution 116 by Senator Morrish (Sent to Secretary of State) requests the Judicial Council to study the feasibility of dividing the 15th Judicial District into three separate judicial districts.

2017 2nd Extraordinary Session

No legislation on this topic during the second extraordinary session.



Coastal Restoration

by: Jerry Jones
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 First Extraordinary Session

Senate Concurrent Resolution 1 by Senator Morrish (Sent to the Secretary of State) approves the comprehensive master plan for integrated coastal protection.

Senate Concurrent Resolution 2 by Senator Lambert (Sent to the Secretary of State) approves the Atchafalaya Basin Annual Plan for Fiscal Year 2017-2018, as adopted by the Atchafalaya Basin Research and Promotion Board and the Coastal Protection and Restoration Authority.

Senate Resolution 1 by Senator Morrish (Sent to the Secretary of State) approves the annual integrated coastal protection plan for Fiscal Year 2018.

House Resolution 1 by Representative Zeringue (Sent to the Secretary of State) approves the annual integrated coastal protection plan for Fiscal Year 2018, as adopted by the Coastal Protection and Restoration Authority Board.

House Bill 144 by Representative Zeringue (Act 199) provides relative to real property interests for integrated coastal restoration projects.

House Bill 259 by Representative Zeringue (Subject to Call - Senate Final Passage) was a proposed constitutional amendment that would have provided relative to the taxing authority of certain levee districts.

House Bill 266 by Representative Connick (Act 269) provides for term limits for members of the nominating committee of certain flood protection authorities.

House Bill 438 by Representative Zeringue (Subject to call - Senate Final Passage) would have authorized flood protection authority spending across the various levee districts.

House Bill 596 by Representative Leger (Act 356) provides relative to the contracting authority of the Coastal Protection and Restoration Authority.

House Bill 618 by Representative Garofalo (Act 357) authorizes the Coastal Protection and Restoration Financing Corporation to finance payments from the RESTORE Act and Natural Resources Damages Act.

House Bill 691 by Representative Hodges (Act 360) provides relative to the Statewide Flood-Control Program.

House Concurrent Resolution 4 by Representative Zeringue (Sent to the Secretary of State) memorializes Congress to recognize that the Louisiana Coastal area is in a crisis that warrants federal attention and

cooperation.

House Concurrent Resolution 101 by Representative Garofalo (Sent to the Secretary of State) memorializes Congress and the Louisiana Congressional Delegation to work towards a dependable and equitable revenue sharing for Louisiana mineral and gas production.

House Resolution 178 by Representative Gisclair (Sent to the Secretary of State) directs Louisiana Sea Grant to facilitate the study of and make recommendations for the creation of a voluntary public recreation servitude of use of waterways.

Senate Bill 249 by Senator Chabert (Act 405) provides for the disbursement of certain revenue from the Coastal Protection and Restoration Fund for hurricane protection purposes.

2017 2d Extraordinary Session

No legislation on this topic during the second extraordinary session.

Commerce & Consumer Protection

by: Michelle Ridge
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

OFFICE OF FINANCIAL INSTITUTIONS/BANKING

Senate Bill 4 by Senator Martiny (Act 47) creates a grandfather provision for certain investment adviser representatives. A few years ago, legislation was enacted to require investment adviser representatives who are employed by a federal covered adviser to meet an examination or certification requirement. This Act exempts from the requirement any person (1) who was registered as an investment adviser representative or salesman with any state securities administrator on or before August 31, 2016, and (2) who was registered as an investment adviser representative or salesman for more than ten years.

Senate Bill 159 by Senator Lambert (pending Senate Commerce, Consumer Protection, and International Affairs) was introduced in response to the flooding in 2016. The bill focused on the settlement proceeds from insurance companies and faced opposition from the Louisiana Banker's Association. Senate Bill 159 provided that while the settlement funds are in escrow, the mortgagor shall not be placed in default or subject to a foreclosure proceeding and the

mortgagee shall suspend the accrual of interest on the mortgage and payments due under the mortgage while the funds remain in escrow. The bill required monies to be released from escrow once the mortgagor notified the mortgagee that the repairs to the property were completed. The mortgagee would be penalized if the money was not released from escrow within thirty days. Amendments were proposed to the bill, but the bill was deferred by a 4-4 vote in committee.

PUBLIC SERVICE COMMISSION

Senate Bill 50 by Senator Morrish (Act 278) requires a "motor carrier of waste" applicant to prove fitness in a hearing before an administrative law judge or hearing officer by proving the following:

- (1) The applicant holds, or is capable of acquiring, an insurance policy that complies with commission rules.
- (2) The applicant has the financial ability to provide the transportation of waste for disposal in a safe and efficient manner.
- (3) The applicant holds, or is capable of acquiring, all the necessary authorizations required by any and all regulatory authorities for the transportation of waste for disposal.
- (4) The applicant holds, or is capable of acquiring for use, equipment and

man power to provide transportation services in a safe and efficient manner.

(5) The applicant has in place, or is capable of establishing, a safety program necessary for the safe and efficient transportation of waste for disposal.

Act 278 applies to all pending applications and declares null and void any restrictive language in existing common carrier certificates of waste or contract carrier permits of waste that would prevent the carrier from applying for expanded authority for any period of time.

House Bill 128 by Representative Carmody (Act 412) legislates with respect to carriers of household goods. The Act provides that the physical location or place of business shall be open for business and shall be staffed during regular business hours by one or more persons employed by the carrier for the purpose of general management of the household goods moving business. The Act adds that the carrier's permit can be cancelled by the commission should the carrier cease to maintain a permanent establishment in the state. However, the cancellation shall not take place until a hearing is held before an administrative law judge. By Senate Floor amendment, the provisions of R.S. 45:164(E) shall apply only when the contract for moving household goods exceeds four hundred dollars.

BOARDS AND COMMISSION

Senate Bill 37 by Senator Martiny (Act 234) makes changes to the practice act for psychologist. The Act provides for prescriptive periods and provides for licensing

qualifications for out-of-state psychologists. It authorizes the psychology board to charge an informal resolution fee, not to exceed ten thousand dollars, for matters that are resolved by settlement, consent decree, or by other informal manners.

Senate Bill 217 by Senator Erdey (Act 255) increases the number of continuing education hours required for chiropractors from twelve hours to fifteen hours and requires one hour of ethics be completed by each licensee.

Senate Bill 205 by Senator Morrell (Substitute adopted by the Senate Floor-SB 257), as introduced, would have required all professional licensing boards and commissions to refer all disciplinary hearings to the Division of Administrative Law. The bill also would have required the board or commission to pay all fees and costs to a licensee who prevails against the board on appeal.

Senate Bill 257 by Senator Morrell (Act 328) provides relative to the Louisiana State Board of Home Inspectors. The Act designates one of the board members as a member at large and increases the number of years a person must be actively engaged in the home inspection business to be eligible to serve on the board. Act 328 authorizes the board to charge a credit card service fee. Finally, the Act requires an applicant for licensure to submit a background request form to the office of state police.

House Bill 468 by Emerson (Subject to call-Senate Final Passage) would have deregulated natural hair braiding. Natural hair braiding means the twisting, wrapping, weaving, extending, locking, or braiding of hair by hand or with mechanical devices.

House Bill 519 by Representatives Emerson and James (Act 262) removes throughout the Provisional Licenses for Ex-Offenders Act the term "provisional".

CONSUMER PROTECTION

Senate Bill 117 by Senator Colomb (Act 380) requires every insurance producer to maintain professional liability insurance or an errors and omissions policy, which includes coverage for acts or omissions as a non-captive insurance producer. Act 380 also requires every insurance producer who sells insurance products for which the premiums are financed, in whole or in part, by an insurance premium finance company to maintain professional liability insurance or an errors and omissions policy, which includes coverage for acts or omissions as an insurance producer. Act 380 provides for penalties for any insurance producer who fails to purchase the required insurance.

Senate Bill 154 by Senator Carter (Act 247) requires local governing authorities to post signs indicating that a mobile speed camera is present. The Act provides that failure of a governing authority to post notices shall prohibit the use of any photographic or video images collected by the speed camera to impose or collect any civil or criminal fine, fee, or penalty by or on behalf of the governing authority. In any proceeding to collect a civil or criminal fine, fee, or penalty by or on behalf of a governing authority, a rebuttable presumption shall exist that signs were posted in accordance with the provisions of Act 247.



Constitutional Amendments

by: Tom Tyler
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

The Constitution of Louisiana (Const. Art. XIII, Sec. 1(A)(1)) requires that each joint resolution proposing a constitutional amendment is to specify the statewide election at which the proposal will be submitted to the voters. November 6, 2018 is the next regularly scheduled statewide election.

A special election has been called on October 14, 2017 to elect a new state treasurer and while this election is held across the entire state, it is not a "statewide election" as required by our constitution.

House Bill 142 by Representative Pugh (Act 138) provides that a "special statewide election shall be held on Saturday, October 14, 2017, for the purpose of submitting to the electors of the state proposed constitutional amendments as contained in joint resolutions concurred in by each house of the legislature during the 2017 Regular Session of the Legislature of Louisiana." However, this Act becomes null and void and of no effect if no proposed constitutional amendments are proposed during this legislative session.

The following joint resolutions are being considered in the 2017 regular session to amend our constitution and have not yet received concurrence by each house and if adopted will appear on the October, 2017 ballot:

AD VALOREM EXEMPTIONS

Offshore Vessels

Authorizes each parish authority or district charged with economic development in a parish to execute contracts exempting offshore vessels (principally operated within waters of the Outer Continental Shelf) from parish, municipal, and special ad valorem taxes. Allows the parish governing authority to execute the contract if the parish has no economic development authority or district. **Senate Bill 61 by Senator Allain (failed, House final passage)** also would have required that the authority or district request and receive written approval of the contract, including terms and its fiscal impact, from each affected tax recipient body as evidenced by a favorable vote of a majority of the members of its governing authority or the contract is null and void and of no effect.

Property Delivered to Construction Sites

Under **Senate Bill 140 by Senator Walsworth (Act 428)** property delivered to a construction site for purposes of incorporating

the property into any tract of land, building, or other construction as a component part, including the type of property that may be deemed to be a component part once placed on an immovable is exempt from ad valorem taxes.

This exemption applies until the construction project is complete and a project is deemed complete when all of the following occur:

- (a) Project testing and commissioning.
- (b) A certificate of occupancy has been issued.
- (c) All applicable regulatory testing and final inspection have been passed.
- (d) Ownership and control of the property have been transferred from the contractor to the owner.

The exemption does not apply to any of the following:

- (a) Any portion of the project that is complete and operational on the date of assessment.
- (b) If the project is constructed in two or more distinct phases, any phase of the construction project that is complete and operational on the date of assessment.
- (c) Any public service property, unless the public service property is otherwise eligible for an exemption under the constitution.

Homestead of a Surviving Spouse of Military Member, Law Officer, First Responder

The homestead of an unmarried surviving spouse of certain persons under **House Bill 145 by Representative Garofalo (Act 427)** are exempt from ad valorem taxes.

For taxes due in 2017 and thereafter, the exemption applies to the surviving spouse of the following persons who died while on active duty:

- (i) A member of the armed forces or the Louisiana National Guard.
- (ii) A state police officer.
- (iii) A law enforcement or fire protection officer who qualified for supplemental pay

For ad valorem taxes due in 2018 and thereafter, the exemption applies to the surviving spouse of the following person who died performing duties of their employment:

- (i) An emergency medical responder, technician, or paramedic.
- (ii) A volunteer firefighter, verified by the Office of the State Fire Marshal to have died while performing firefighting duties.
- (iii) A law enforcement or fire protection officer who receives supplemental pay and died while on duty if he has completed the first year of his employment before his death.

Requires that the property be eligible for the homestead exemption and the property was the residence of the deceased at their time of death; the surviving spouse is not remarried; and requires that the surviving spouse provides evidence of eligibility each year.

Agreements for Payments in Lieu of Taxes

House Bill 444 by Representative Seabaugh (pending in Senate revenue and fiscal committee) would authorize a property owner and one or more taxing authorities in a parish to execute a cooperative agreement to provide an exemption from ad valorem taxes if the owner agrees to make payments to the taxing authorities in lieu taxes. Provides that the exemption is only to the extent agreed to in the cooperative endeavor agreement. Would require that the exempt property be listed on the assessment rolls and submitted to the Louisiana Tax Commission.

The following property would be eligible for this exemption:

(1)(a) Property of a new manufacturing establishment or an addition to an existing manufacturing establishment.

(b) Other property, subject to a cooperative endeavor agreement which has been approved by a committee of the legislature, as provided by law.

Property subject to the industrial tax exemption is not eligible for this cooperative endeavor agreement exemption, however the agreement may provide for payment in lieu of ad valorem taxes during the first two years of the industrial tax exemption.

INCOME TAXES

Provides for individual and joint income taxes levied on a flat rate established by law. Allows deduction for federal income taxes in computing corporate and fiduciary taxes under **House Bill 353 by Representative Stokes (pending Senate revenue and fiscal committee)** would also remove the limitation to tax rates and brackets as they existed on January 1, 2003.

House Bill 356 by Representative Ivey (pending Senate revenue and fiscal committee) would provide for equal and uniform taxes levied on net incomes at flat rates established by law. Provides for deduction of federal income taxes when computing state individual, estate, and trust income taxes. Removes the limitation to tax rates and brackets as they existed on January 1, 2003.

FUNDS

Transportation Trust Fund

House Bill 354 by Representative Thibaut (Act 429) a constitutional amendment which would create the Construction Subfund as a special subfund in the Transportation Trust Fund. Would require deposit of avails from new taxes levied on gasoline, motor fuels, or special fuels on or after July 1, 2017. Monies in the Subfund would be to be appropriated solely for the direct costs associated with actual project delivery, construction, and maintenance of transportation and capital transit infrastructure projects of the state and local government. Would prohibit appropriation and use of monies by the Department of Transportation and Development for payment of employee wages

and related benefits or employee retirement benefits.

Budget Stabilization Fund

Monies in the Budget Stabilization Fund are available for appropriation only under certain conditions. **House Bill 255 by Representative Gary Carter (pending Senate finance committee)** would authorize appropriation from the Fund if there is a disaster in the state that is declared a disaster by the federal government. Would allow appropriation of up to one-third of monies in the Fund, not to exceed the state costs associated with the disaster with the consent of two-thirds of the elected members of each house of the legislature.

Would authorize appropriation from the Fund between sessions of the legislature only with written consent of two-thirds of the elected members of each house of the legislature. Would require that reimbursements by the federal government for the costs associated with the same disaster be deposited into the fund.

LEVEE DISTRICTS

The Chenier Plain Coastal Restoration and Protection Authority and the Iberia Parish Levee, Hurricane, and Conservation District would be allowed to levy up to a five-mill annual property tax without a vote of the people under **House Bill 259 by Representative Zeringue (Senate reconsideration subject to call calendar)**.

2017 2nd Extraordinary Session

No legislation on this topic during the second extraordinary session.

Corrections

by: *Tim Prather*
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2017 First Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS

With reform in mind, **House Bill 204 by Representative Billiot (Act 98)**, removes the requirement that the court provide a certified copy of the court minutes to the Dept. of Public Safety and Corrections (DPS&C) in certain cases and require other documentation instead. Currently, the court allows a defendant convicted of an offense in this state to serve a sentence concurrently with a sentence imposed by a federal court or a court of another state. In cases where a sentence at hard labor is imposed, the court is required to provide a certified copy of the court minutes and court order to the DPS&C.

The Act removes the requirement that the court provide a copy of the court minutes to DPS&C in these cases, and instead requires the court to provide a certified copy of the Uniform Sentencing Commitment Order in the format authorized by the La. Supreme Court. It further authorizes DPS&C to request from the court

any information about the sentence not provided in the Uniform Sentencing Commitment Order.

Also, currently, in cases where a sheriff is required to prepare a statement indicating the amount of time a defendant has spent in custody prior to conviction when such defendant is committed to the custody of DPS&C, the clerk of court will also prepare the following documents to be sent to the officer in charge of the department or penal institution to which the defendant has been sentenced:

- * A copy of the indictment under which the defendant was convicted.
- * A copy of the sentence as recorded in the minutes of the court.
- * A copy of the Uniform Sentencing Commitment Order in the format authorized by the La. Supreme Court.

The Act removes the requirement that the court provide a copy of the sentence as recorded in the minutes of the court, and further authorizes DPS&C to request from the court any information relating to the sentence not provided in the Uniform Sentencing Commitment Order and become effective on Dec. 1, 2017.



Continuing a reform agenda, **House Concurrent Resolution 30 by Representative McFarland (Subject to call-House final passage)** would direct the secretary of the DPS&C to determine the feasibility of privatizing correctional facilities, excluding La. State Penitentiary and Elayn Hunt Correctional Center, determine potential cost savings, recommend programs for state offenders housed locally, and determine if state law permits privatization. The resolution would require determinations to be submitted to the legislature by Dec. 31, 2017.

Looking for efficiencies, **House Concurrent Resolution 64 by Representative Dwight (Sent to Secretary of State)** would direct the DPS&C to work in conjunction with the Louisiana Sheriffs' Assoc. to study methods of oversight and supervision for inmates participating in work release programs.

Continuing to streamline and search for efficiencies, **House Concurrent Resolution 73 by Representative Abraham (Sent to Secretary of State)** would direct the DPS&C to study the potential impact of permitting judicial referral agency residential facilities to house offenders participating in, and to operate as, sheriff's work release programs, and to utilize these facilities as an alternative to other incarceration programs.

Crimes/Criminal Procedure

by: Alden Clement
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

The 2017 Regular Session saw an attempt to revamp the state's system of felony crimes and penalties as well as laws concerning habitual offenders. There was also a continued emphasis on matters related to juvenile justice, domestic violence, and human trafficking. And of particular note, two bills would eliminate the death penalty in Louisiana.

FELONIES

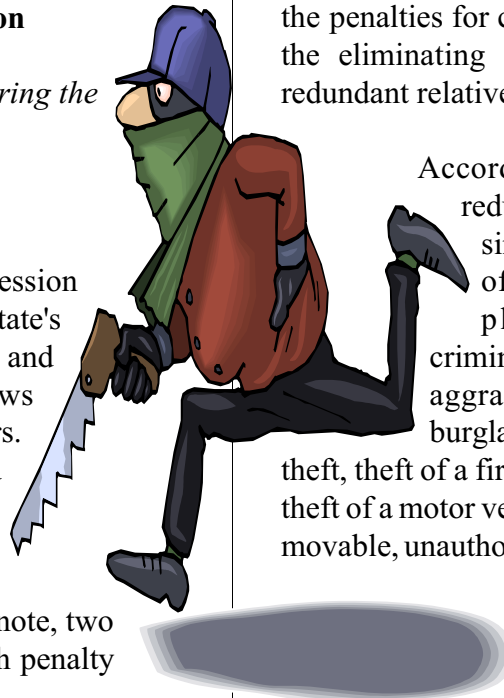
Senate Bill 220 by Senator Alario (Act 281) in its original version would have created a felony class system in Louisiana, akin to systems in several other states that designate certain felony offenses to be of a given class, with penalties corresponding to each class. The goal was to address issues relative to disparity in sentences for crimes that may or may not be similar in terms of "severity."

However, a committee amendment saw the shelving of the idea of a felony class system, at least for the time being, and instead an emphasis on reducing or otherwise altering

the penalties for certain specific felonies and the eliminating of some felonies seen as redundant relative to certain other felonies.

Accordingly, penalties were reduced or otherwise altered for simple arson, communicating of false information of planned arson, simple criminal damage to property, aggravated burglary, simple burglary of an inhabited dwelling, theft, theft of a firearm, organized retail theft, theft of a motor vehicle, unauthorized use of a movable, unauthorized use of a motor vehicle, unlawful acts relative to receipts and universal product code labels, illegal possession of stolen things, refund or access device application fraud, access device fraud, issuing worthless checks, prostitution, possession of firearm or carrying concealed weapon by a person convicted of certain felonies, residential contractor fraud, and money laundering.

The crimes of theft of animals, failure to remit payment for sale of forest products, criminal damage to coin-operated devices, criminal damage to a pipeline facility, criminal damage to genetically engineered crops, genetically engineered crop facilities, or genetically engineered crop information, theft of livestock, theft of goods, cheating and swindling, theft of timber, theft of a business record, theft of the assets of a person who is



aged or a person with a disability, theft of utility service, theft of petroleum products, theft of oilfield geological survey, theft of oil and gas equipment, theft of utility property, home invasion, and theft of copper or other metals were eliminated in order to consolidate those offenses with offenses such as theft, with penalties based on the value of the items stolen.

Also, the crimes of mingling harmful substances, extortion, and illegal use of weapons or dangerous instrumentalities were deleted from the statutory designation of "crimes of violence."

House Bill 494 by Representative Marino (pending House Administration of Criminal Justice) would also have created a felony class system for Louisiana, but did not receive a hearing before the end of session.

DEATH PENALTY

Senate Bill 142 by Senator Claitor (Subject to call - Senate final passage) and House Bill 101 by Representative Terry Landry (Pending House Administration of Criminal Justice) would have eliminated the death penalty in Louisiana as punishment for the crimes of first degree murder, first degree rape (formerly "aggravated rape"), and treason, the only three crimes under Louisiana law for which death remains a possible punishment.

EXPANDED CRIMES & EXCEPTIONS

House Bill 161 by Representative Seabaugh (Act 295) provides exceptions to the prohibition on wearing hoods, masks, and other facial disguises in public places. The bill adds exceptions to this prohibition for the

following: persons driving or riding a motorcycle; persons wearing a helmet or mask for medical purposes or reasons; and persons engaged in a sporting or recreational activity.

House Bill 304 by Representative Hilferty (Act 368) expands the definition of "racketeering activity" to include armed robbery and armed robbery or attempted armed robbery committed with a firearm.

DOMESTIC VIOLENCE

House Bill 27 by Representative Connick (Act 79) amends the definition of "household member" for purposes of certain domestic abuse laws to include all persons presently or formerly living in the same residence and who are or were involved in a sexual or intimate relationship. The Act removes the present law requirement that the persons be of the opposite sex, removes the requirement that the persons are presently or were formerly living together as spouses, and adds the requirement that the persons are presently or were formerly involved in a sexual or intimate relationship.

House Bill 223 by Representative Moreno and Senator Claitor (Act 84) expands the application of domestic abuse battery, domestic abuse aggravated assault, and other provisions of law regarding domestic abuse to dating partners. The term "dating partners" is defined as any person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

JUVENILE JUSTICE

In *Miller v. Alabama*, 567 U.S. 460, 132 S.Ct. 2455 (2012), the Supreme Court held that mandatory life imprisonment without the possibility of parole for an offender who was under the age of 18 at the time of the commission of the crime violates the 8th Amendment's prohibition on cruel and unusual punishment. Subsequently, in *Montgomery v. Louisiana*, 577 U.S. _____ (2016), the court held that *Miller's* prohibition on mandatory life without parole for juveniles must be applied retroactively. The court further held that a state may remedy a *Miller* violation by extending parole eligibility to juvenile offenders presently serving sentences of life without parole.

Senate Bill 16 by Senator Claitor (Act 277) applies the present law relative to parole eligibility for juveniles sentenced to life imprisonment, which provisions were enacted in the wake of the *Miller* decision, retroactively to those juveniles sentenced to life imprisonment prior to *Miller*. Accordingly, any person serving a sentence of life imprisonment for a conviction of first degree murder or second degree murder who was under the age of eighteen years at the time of the commission of the offense will be eligible for parole consideration if a judicial determination is made that the person is entitled to parole eligibility and a number of specific conditions are met, including that the offender had served twenty-five years in prison, has obtained a GED, and obtained a low-risk level designation as determined by the Department of Public Safety and Corrections. The Act also allows the district attorney to seek a determination prior to sentencing that the person was "the worst of the worst," and therefore the life sentence

would be without the possibility of parole.

DRONES

Only one bill this session sought to further regulate unmanned aircraft systems ("drones").

Senate Bill 69 by Senator Carter (Act 238) provides that the state has exclusive jurisdiction to regulate all unmanned aircraft systems and all unmanned aerial systems, and further provides that state law supersedes and preempts any rule, regulation, code, or ordinance of any political subdivision or other unit of local government. Exceptions to this law would include such aircraft used by the federal government or regulated under certain provisions of federal law.

SEX OFFENSES

Senate Bill 41 by Senator Johns (Act 180) provides that, with regard to the crimes of human trafficking, trafficking of children for sexual purposes, pornography involving juveniles, prostitution involving persons under eighteen, soliciting for prostitutes, inciting prostitution, promoting prostitution, pandering, letting premises for prostitution, enticing persons into prostitution, keeping a disorderly place, letting a disorderly place, and operation of places of prostitution, the proceeds of such conduct are subject to forfeiture, including currency, instruments, or securities. This is in addition to the forfeiture of certain personal property used in the commission of these offenses already provided for under present law. The Act also changes the minimum age at which enhanced penalties apply to the crime of prostitution from 18 to 21.

FIREARMS

There was yet another unsuccessful move to add Louisiana to the list of thirteen states having "constitutional carry," i.e., allowing persons not otherwise prohibited from possessing a firearm to carry a concealed handgun without a state permit.

House Bill 68 by Representative Ivey (involuntarily deferred in House Administration of Criminal Justice) would have excluded concealed handguns from the crime of illegal carrying of weapons for Louisiana residents who are twenty-one years of age or older and who are not otherwise prohibited from possessing a firearm under federal or state law.

CONTROLLED DANGEROUS SUBSTANCES

Senate Bill 35 by Senator Colomb (Act 319) provides that any pharmacy, licensee of the Department of Agriculture and Forestry, laboratory that tests marijuana or marijuana preparations produced and distributed under the state-sponsored medical marijuana program, and any person conducting research is exempt from prosecution for the possession, production, or manufacture of marijuana or any of its derivatives at certain facilities operating in accordance with law. However, the Act does not prevent the arrest or prosecution of any person for diversion of marijuana or any of its derivatives from the facility when that conduct is outside the scope of the state-sponsored medical marijuana program or for violations of department rules and regulations.

CRIMINAL PROCEDURE

Present law provides that, for purposes of venue, the crime of identity theft is deemed to have occurred where the victim resides. **Senate Bill 76 by Senator Lambert (Act 164)** provides that, for purposes of venue, the crimes of unauthorized use of an access card, access device fraud, illegal transmission of monetary funds, bank fraud, forgery, and monetary instrument abuse also are deemed to have occurred where the victim resides.

Senate Bill 221 by Senator Alario (Act 282) relative to the Habitual Offender Law, reduces the "cleansing period" for offenses that are not crimes of violence or sex offenses from ten years to five years. The Act also changes the final date for calculating the cleansing period for all offenses, whether or not crimes of violence or sex offenses, from the expiration of the maximum sentence or sentences of the previous convictions to the expiration of the correctional supervision for each previous conviction.

Culture, Recreation & Tourism

CULTURE

by: Cheryl Serrett
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

MUSEUMS

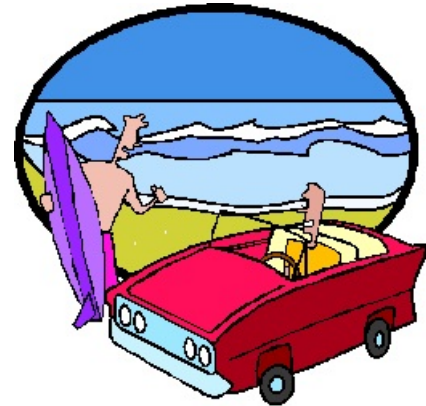
Several pieces of legislation focused on the preservation of historical artifacts and memorials. Only two Senate resolutions on the topic passed. **Senate Concurrent Resolution 117 by Senator Walsworth (Signed by the President and the Speaker)** creates a task force to study the issues and needs relative to the preservation of the state's historical archives and records. The thirteen member task force is to study current technologies, methods and policies utilized in Louisiana and other states for the preservation, archiving and collecting of historical records and documents. The task force shall report its findings and recommendations to the legislature no later than sixty days prior to the 2018 Regular Legislative Session.

Senate Resolution 223 by Senator Morrell (sent to the Secretary of State) creates a Senate special committee to conduct a study on the preservation of historical markers to determine the feasibility of proposing legislation that would provide a comprehensive process for preservation and relocation of historical markers that respects the autonomy of cities, municipalities and parishes.

Senate Bill 230 by Senator Lafleur (Act 112) removes the Livingston Parish Museum and Cultural Center, the Louisiana Military Museum, the Shreveport Water Works Museum, and the Spring Street Historical Museum from under the jurisdiction of the Department of State.

LIBRARIES

Several bills were enacted to allow local governments to rename their local libraries for specific individuals (**Senate Bill 204 by Senator Smith, (Act 168)**, **House Bill 14 by Representative Falconer, (Act 77)**, and **House Bill 150 by Representative Miller (Act 200)**).



RECREATION

by: Tammy Crain Waldrop
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2017 First Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

House Bill 16 by Representative McFarland (Act 4) authorizes the governing authority of the town of Jonesboro, subject to voter approval, to levy and collect a hotel occupancy tax. The tax shall not exceed 3% of rent or fee charged for occupancy. Requires proceeds of the tax be used to fund tourism- related activities and recreation programs within the town of Jonesboro.

House Bill 30 by Representative Schexnayder (Act 2) creates the "Louisiana Patriot Guard Riders" special prestige license plate. Provides for fees, distribution of fees, issuance, creation, and design of the license plate.

House Bill 57 by Representative Price (House conference rejected Senate amendments) would have authorized the West Ascension Recreation Facilities District No. 1 to levy and collect a sales and use tax not to exceed 1/4%, subject to voter approval. Provides for the use of the tax proceeds.

House Bill 65 by Representative Hensgens (Act 125) creates the "Sabine Pass Lighthouse" special prestige license plate. Provides for fees, distribution of fees, issuance, creation, and design of the license plate.

House Bill 105 by Representative Magee (Subject to call-House final) would have provided relative to the crime of improper supervision of a minor with respect to off-road vehicles and golf carts. Would have added causing or permitting an unlicensed minor to drive off-road vehicles or golf carts on any public road, highway, or shoulder of any public road or highway to the crime of improper supervision of a minor by a parent or legal custodian.

House Bill 161 by Representative Seabaugh (Act 295) provides for exceptions to the prohibition on wearing hoods, masks, and other facial disguises in public places. Retains the present law and adds exceptions to this prohibition for the following:

(1) Persons driving or riding a motorcycle. (2) Persons wearing a helmet or mask for medical purposes or reasons. (3) Persons wearing a mask or hood for purpose of protection against the elements or weather. (4) Persons engaged in a sporting or recreational activity.

House Bill 542 by Representative Stokes (Act 225) provides for the line of travel insurance to be offered in Louisiana. It provides that travel insurance shall be classified and filed as a marine and transportation line of insurance.

House Resolution 157 by Representative Henry (Sent to Secretary of State) urges and requests the Motor Vehicle Commission to examine its interpretation of statutes applicable to recreational product dealer licenses for certain marine products dealers.

House Resolution 178 by Representative Gisclair (Sent to Secretary of State) directs Louisiana Sea Grant to act as an independent facilitator for a study of the possible establishment of a voluntary public recreation servitude of use of certain waterways. They should focus on finding common ground among the various interested groups and individuals. The research should also include a determination of the availability of federal funding for the research.

Senate Bill 143 by Senator Chabert (Act 190) authorizes the secretary of the Dept. of Culture, Recreation and Tourism (CRT) to grant leases, subleases, and concession leases and enter any related contract or agreement on any portion of the immovable property under the CRT's supervision, jurisdiction, or management. It removes the legislative approval requirement, in the current law but requires that such sale, lease, or sublease of state park lands comply with applicable provisions of the sale and lease laws of public lands of the state. It also provides requirements for the leasing of public lands, including application, advertisement, and bidding.

Senate Bill 199 by Senator Erdey (Act 199) provides that a public entity may share equipment with another public entity without rendering payment to the entity that owns the equipment as long as the entities have executed a cooperative endeavor agreement. The cooperative endeavor agreement shall contain reasonable details of the obligations between parties, and include a hold harmless provision. When an emergency situation is declared and public entities (it also defines public entities) need to share equipment, the provisions of law dealing with the execution of a cooperative endeavor agreement are not required, provided the public entities share the equipment in good faith relative to the emergency situation.

Senate Concurrent Resolution 30 by Senator Morrell (Sent to Secretary of State) acknowledges congress established the National Park Service with the mission to preserve unimpaired natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of current and future generations. It further memorializes Congress to create a reliable, predictable stream of resources to address the deferred maintenance needs in the National Park System.

Senate Concurrent Resolution 67 by Senator Allain (Sent to Secretary of State) memorializes Congress to pass legislation or adopt policies allowing Louisiana to manage the Gulf of Mexico red snapper fishery out to two hundred nautical miles off the coast of Louisiana.

Senate Concurrent Resolution 117 by Senator Walsworth (Sent to Secretary of State) creates the Louisiana Historical Archives Task Force.

Senate Resolution 144 by Senator Johns (Sent to Secretary of State) requests the Louisiana Motor Vehicle Commission to examine its interpretation of statutes applicable to recreational products dealer license for certain marine product dealers.

2017 Second Extraordinary Session

No legislation on this topic during second extraordinary session.

TOURISM

by: Linda Nugent
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

HOTEL OCCUPANCY TAX

The town of Jonesboro is authorized by **House Bill 16 by Representative McFarland (Act 4)** to levy a not to exceed three percent hotel occupancy tax within the town. Authorizes the governing authority of the town of Jonesboro to impose the tax by ordinance, subject to voter approval. Act 4 requires that the proceeds of the tax be used to fund tourism-related activities and recreation programs within the town of Jonesboro.

House Bill 76 by Representative Havard (Act 127) authorizes the West Feliciana Parish Tourist Commission to impose an additional 2% hotel occupancy tax, subject to voter approval. The proceeds of the tax shall be used to fund tourism-related activities.

TOURISM COMMISSION

The West Baton Rouge Parish Tourist Commission is governed by a board of nine directors. **House Bill 24 by Representative Thibaut (Act 5)** adds two additional members to the board, one member to be appointed by the board of directors of the tourist commission and one member to be appointed by the governing authority of West Baton Rouge Parish.

Economic Development

by: Michelle Ridge
(225) 342-6162

2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

ECONOMIC DEVELOPMENT DISTRICTS

Senate Bill 99 by Senator Donohue (Act 242) provides relative to the St. Tammany Parish Development District. The Act reduces the number of board members from thirteen to eleven and provides that members of the board will be nominated by the existing board of commissioners and submitted to the council of St. Tammany Parish for approval. The Act removes the requirement that the board elect an executive director from among its own members, and allows the board to contract with or employ an executive director. Act 242 provides that the records that are in the custody of the district pertaining to an active negotiation with a person for the purpose of retaining, expanding, or attracting economic or business development in the St. Tammany Parish are to be confidential on the same basis as such records in custody of the Department of Economic Development.



Senate Bill 227 by Senator Barrow (Act 393) creates the Bethany Convention Center Development District within the city of Baker, La. The district will be a special taxing district and a political subdivision of the state. The purpose of this district is to provide for cooperative economic development in order to provide for the redevelopment of the property within the district. The duties and financing of the district shall be carried out by a six member board of commissioners as provided by law.

Senate Bill 250 by Senate Boudreaux (Act 326) provides relative to the Opelousas Downtown Development District. The Act changes and expands the boundaries of the district and changes the composition of the seven member board. The bill requires that each board member be a United States citizen and a domiciliary of and a qualified voter in the parish of St. Landry. The Act prohibits an elected official from serving on the board, and provides that the St. Landry Parish Economic and Industrial Development District director shall serve as the interim Downtown Development Director until the district is able to permanently hire a director. Eight percent of the district's annual revenue is to be paid to the St. Landry Parish Economic and Industrial Development District.

**House Bill 69 by Representative Hall
(Subject to Call-House Final Passage)**
would have changed the make up of the nine member board for the Alexandria Central Economic Development District.

K-12 Education

by: *Jeanne C. Johnston*
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2017 Regular Session

ACCOUNTABILITY & ASSESSMENTS

The school and district accountability system was created by the State Board of Elementary and Secondary Education (BESE) in 1997, pursuant to R.S. 17:10.1, to provide for a statewide system of accountability for schools and school districts based on student achievement and minimum standards for the approval of schools. The programs is required to include clear and appropriate standards for schools and school districts and indicators for the assessment of schools and school districts. The accountability system includes the statewide testing program and the assignment of letter grades indicating the performance of schools and school districts. School letter grades are determined by the school performance score calculated for each school and district, which is based upon a 150 point scale.

Senate Bill 233 by Senator LaFleur (Act 394) requires BESE, beginning with the 2018-2019 school year, to include a component in the school and district accountability system to annually award points to the school performance score of a school that establishes, maintains, or expands a foreign language immersion program or proceeds to earn or maintain certification of a foreign language

immersion program. Provides that the number of points awarded shall be equal to 5% of the total available school performance points.

House Bill 616 by Representative Thomas (Act 364) limits the amount of time public school students spend taking standards-based assessments to not more than 2% of the minimum number of required instructional minutes per year. Provides that the 2% time limitation shall not affect the extra time that might be allotted to special education students or a student who has an Individual Accommodation Plan pursuant to federal law. Also requires public school governing authorities to regularly review benchmark and interim tests administered at the local level to ensure they are aligned with state content standards, that the results are used to improve instruction, and are made available to parents upon request.

CHARTER SCHOOLS

Both the number and types of charter schools have changed significantly since the passage of the original Charter School Demonstration Programs Law in 1995. The number of charters has grown from the initial 8 schools authorized when the demonstration program was enacted in 1995 at which time a cap on the number of charter schools that could be created was set at 42), to the current 139 charter schools in existence today and groups



seeking to start and operate a charter school continue to make applications to both local school boards and BESE. As charter schools become more and more like traditional public schools, the legislature is more frequently requiring these schools to follow new laws and requirements established for public schools in general.

Senate Bill 215 by Senators Tarver and LaFleur (Act 253) authorizes a charter school to directly enroll the child of a school faculty member if the child meets the admission requirements for the school. Additionally, a charter school with a foreign language mission may directly enroll the child of a foreign consular officer residing in Louisiana if the child meets all mission-related and academic admission requirements. Traditional public schools have always allowed children of faculty members to enroll in the school where the parent taught, regardless of residency. Provides that for districts, like New Orleans, that use a common application and enrollment process to adopt procedures that allow a charter school to implement the direct employment of these students.

Senate Resolution 68 by Senator Bishop (Sent to Secretary of State) requests each charter school governing authority to provide for the election of at least one parent or legal guardian of a student enrolled in the school in its governing board membership. Provides that the parent representative be elected by a majority of the parents/legal guardians representing at least a majority of the students enrolled in the school.

Current law requires a charter school chartering authority, be it BESE or a local school board, to have each charter application reviewed by a third party evaluator prior to

taking action on the charter application. Usually, the charter applicant doesn't have a chance to review and respond to the third party evaluator's report and recommendations prior to the chartering authority taking action on the application. **House Bill 242 by Representative Bishop (Act 207)** requires BESE and local school boards to send a charter applicant the outside evaluator's final evaluation and recommendations at least 5 business days prior to the meeting at which the board will take action on the charter proposal.

CURRICULA

The establishment of content standards, curricula and course requirements, and high school graduation requirements are generally left to BESE's discretion. However, from time-to-time, the legislature decides that certain courses of study must either be established as stand-alone subjects or the information included in an existing course of study. At times, the legislature also establishes requirements designed to improve the quality of the educational process and produce high school graduates who are better prepared for college or career.

Senate Bill 190 by Senator Thompson, et al (Act 250) requires BESE, in collaboration with public school governing authorities and the postsecondary education management boards, to publish a list of transition courses designed to address identified student weaknesses in English and mathematics and help these students achieve college readiness when they graduate from high school. Currently, Board of Regents' policies provide that an ACT sub-score of 18 in English and 19 in math trigger the requirement for remedial course work in college. In 2016, 42% of the

state's high school graduates scored below an 18 in English, and 61% scored below a 19 in math. Each public school governing authority is required to identify students who are weak in English and math and provide the students with information regarding available transition courses.

Senate Bill 225 by Senator Hewitt, et al (Act 392) creates LaSTEM, a new and concentrated effort to stimulate programs and jobs and thus economic development in the state as follows:

- (1) Creates the Louisiana Science, Technology, Engineering, and Mathematics Advisory Council (LaSTEM) under the auspices of the Board of Regents to coordinate and oversee the creation, delivery, and promotion of STEM education programs, to increase student interest and achievement in the fields of science, technology, engineering, and mathematics, to ensure the alignment of education, economic development, industry, and workforce needs, and to increase the number of women who graduate from a postsecondary institution with a STEM degree or credential. The council is charged with creating a comprehensive, statewide STEM plan and coordinate all state STEM education-related programs and activities in elementary, secondary, and postsecondary education.
- (2) Creates the Science, Technology, Engineering, and Mathematics Fund in the state treasury and provides that monies in the fund shall be appropriated by the legislature and shall be available exclusively for

programs and initiatives prescribed by LaSTEM.

- (3) Requires BESE to create a science, technology, engineering, and mathematics high school diploma endorsement and establish the requirements for earning the endorsement. Further requires public school governing authorities to identify students who earn the STEM diploma endorsement and note such on the student's transcript.

House Bill 111 by Representative Bishop and Senator Walsworth (Act 72) requires that litter prevention and awareness be provided to each public school student in grades K - 5. This instruction shall be integrated into the existing curriculum and may include instructional materials created and developed to assist Louisiana school students in making environmentally sound decisions and understand the role they personally play in preserving the beauty of the state.

EARLY CHILDHOOD

In 2012, the legislature enacted the "Louisiana Early Childhood Education Act" which provided for the Department of Education to coordinate all publicly funded early childhood educational programs, including the LA 4 program. In 2014, the legislature enacted the "Early Learning Center Licensing Act" which transferred the authority to license and regulate day centers, camps, and early learning centers from the Department of Children and Family Services to the state Department of Education.

To incorporate recently enacted federal law and regulations strengthening criminal background check requirements for owners, employees, and volunteers in day care centers, **House Bill 557 by Representative Seabaugh (Act 423)** adds three additional criminal background checks in addition to the two previously required. This legislation, in accordance with federal requirements, requires a state fingerprint check, a federal fingerprint check, a state sex offender and child predator registry check, other state's sex offender registries, and the National Crime Information Center's National Sex Offender Registry. The law prohibits a person who has been convicted of or pled nolo contendere to a sex crime or a crime against a juvenile or whose name appears on any of these registries from owning, operating, or working in an early learning center. Senate amendments to this legislation further prohibit anyone from owning, operating, or working in an early learning center prior to at least one fingerprint check report being received by the Department of Education. (Current law allows a person to be hired temporarily between the time the fingerprint report is requested until the time it is received.) The Senate amendments also stipulate that a person for whom one fingerprint report has been received can only be hired provisionally until all of the required background checks have been completed. The legislation directs BESE to adopt rules to provide for a procedure whereby an early learning center may obtain a waiver from established child-to-staff ratios when an undue delay in completing required criminal background checks make it impossible to meet the prescribed ratios.

MINIMUM FOUNDATION FORMULA

The minimum foundation program and formula is the constitutionally required mechanism to calculate and allocate state funds to public schools in Louisiana. In most legislative sessions, passage of the concurrent resolution that provides for legislative approval of the minimum foundation program formula annually adopted by BESE is a routine matter. However, since the legislature is constitutionally prohibited from amending the formula and can only approve or reject the formula submitted by BESE, in recent years, the formula has been rejected by the legislature more often than it has been approved. Article 8, Section 13(B) of the Louisiana Constitution provides that if the legislature fails to approve the formula most recently adopted by the board, the last formula approved by the legislature shall be used. The legislature rejected the MFP formula proposed for the 2015-2016 fiscal year and also rejected the MFP formula submitted by BESE for the 2016-2017 fiscal year. Thus, the MFP formula adopted by BESE for the 2014-2015 fiscal year is the most recent formula approved by the legislature and remained in effect for the 2016-2017 fiscal year.

House Concurrent Resolution 7 by Representative Landry (Sent to Secretary of State) contains the MFP formula proposed by BESE for the 2017-2018 school year to provide funding for approximately 700,000 public school students as follows:

- (1) The base per pupil amount of \$3,961 as provided in the current MFP formula remains unchanged for 2017-2018.

- (2) The total estimated cost of the 2017-2018 MFP formula is \$3.71 billion. This amount represents a net increase of \$48.6 million over the 2016-2017 fiscal year. \$18 million of this increase is due to an increase of 4,103 students over last year; the remainder is for additional monies added to Level Four of the formula as delineated in Items (3), (4), and (5) below.
- (3) Contains an additional \$10 million in Level Four to increase the MFP allocation for the Supplemental Course Program, including dual enrollment courses.
- (4) Contains an additional \$8 million in Level Four to increase the High Cost Needs Allocation to assist with costs for students requiring a high level of special education services.
- (5) Contains an additional \$7.5 million in Level Four to provide assistance to three school districts significantly impacted by the flooding in August 2016. (\$4.3 million for Livingston Parish, \$2.9 million for East Baton Rouge Parish, and \$362,000 for Tangipahoa Parish)
- (6) Provides that student counts in Vernon Parish will be frozen at the current level in the event of a sudden and significant reduction in enrollment of students who are dependents of military personnel deployed from Fort Polk. This provision will not result in an increase in the projected cost of the MFP.

SCHOOLS

The Louisiana School for Math, Science, and the Arts was created by the legislature in 1981 through Act 932 authored by then Representative Jimmy D. Long, Sr. The "Louisiana School" as the school came to be colloquially known, is a residential high school for gifted and talented students and has developed from its humble beginnings to become the nationally known school it is today. **Senate Bill 1 by Senator Thompson, et al (Act 374)** to honor the driving force in the creation and nurturing of the Louisiana School, renames the school, for formal purposes, as the "Jimmy D. Long, Sr. Louisiana School for Math, Science, and the Arts. The legislation provides that the school is not be required to make changes to the logo, insignia, licensed or branded merchandise, promotional and fund raising items, other related items or products, including class rings. Provides that any needed changes to printed materials may be made by replacement through normal procurement processes as supplies on hand are exhausted.

SCHOOL EMPLOYEES

House Bill 243 by Representative Hall (Act 335) primarily makes technical changes in the Education Code (Title 17) to make uniform the term used to refer to "school bus operators". However, Senate amendments were made to a section in the bill regarding required criminal background checks for all school employees, including teachers and school bus drivers. Current law prohibits a public or nonpublic school from hiring a person who has been convicted of or pled nolo contendere to a violent crime, a sex offense or a crime against a juvenile unless approved in writing by a district judge and the district

attorney, or if hired on an emergency basis, approved by the local school superintendent. The Senate amendments remove the provisions allowing such persons to be hired if approved by the district judge and district attorney or the school superintendent.

SPECIAL EDUCATION - STUDENTS WITH EXCEPTIONALITIES

The proper methods to be used to discipline students with exceptionalities remains an issue of considerable concern to parents, educators, and other stakeholders. State law (R.S. 17:416.21) requires the State Board of Elementary and Secondary Education (BESE) to prepare and adopt rules and guidelines for the appropriate use of seclusion, physical restraint, and mechanical restraint for certain students with exceptionalities. **House Bill 317 by Representative Foil (Act 59)** continues to refine the statutes relative to the discipline of students with exceptionalities by prohibiting the use of corporal punishment in all public elementary and secondary schools as a means of discipline for students with an exceptionality, other than gifted and talented.

STUDENT DISCIPLINE

Current law gives public school governing authorities discretion with respect to the use of corporal punishment to discipline students, yet provides no definition of "corporal punishment". **House Bill 79 by Representative Foil (Act 266)** began as a bill to prohibit the use of corporal punishment as a means to discipline students with exceptionalities, other than gifted and talented. Discussion in the Senate Education Committee regarding the lack of a statutory definition of the term "corporal punishment" led to adoption of a committee amendment to

the bill adding a definition of the term as "using physical force to discipline a student, with or without an object." Provides that corporal punishment includes hitting, paddling, striking, spanking, slapping, or any other physical force that causes pain or physical discomfort.

Provides that "corporal punishment" does not include:

- (1) The use of reasonable and necessary physical restraint of a student to protect the student, or others, from bodily harm or to obtain possession of a weapon or other dangerous object from a student.
- (2) The use of seclusion and restraint as provided in current law for students with exceptionalities.

Current law requires each public school governing authority to adopt a code of student conduct and provides that the code of conduct include a policy prohibiting bullying. Current law defines bullying and establishes strict requirements regarding how incidents of bully should be handled, reported, and investigated. **Senate Bill 158 by Senator Milkovich (Pending House Education)**, had it passed, would have made changes to the bullying statute as follows:

- (1) Requires school governing authorities to provide a copy of each bullying report received to local law enforcement within 24 hours of receipt.
- (2) Requires school governing authorities to retain a copy of each bullying report received for at least 10 years.

- (3) Authorizes a school employee who witnesses a bullying incident to use reasonable force or physical restraint to stop the bullying behavior.
- (4) Authorizes a school official to contact law enforcement and have the student exhibiting bullying behavior immediately removed from the school grounds.
- (5) Prohibits a school employee from being discharged, demoted, suspended, threatened, harassed, or discriminated against by his employer or any person, business organization, or government agency for actions taken to stop bullying and provides that an employee may seek any and all relief to which he is entitled under state or federal law. Also provides that no right of action exists against a school employee acting in good faith to stop an act of bullying and such employees have immunity from civil or criminal liability.
- (6) Removes requirement that a student under the age of 18 cannot be interviewed prior to parental notification.
- (7) Gives the parent/legal guardian of a victim of bullying the option of having his child transferred to another school or having the student who committed the act of bullying transferred to another school.

Postsecondary Education

by: Cheryl Serrett
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

TAYLOR OPPORTUNITY PROGRAM FOR STUDENTS (TOPS)

For the first time in the history of TOPS, the awards paid to students were not fully funded for the 2016-2017 academic year. Thus, several bills were introduced in the 2017 Regular Legislative Session to try to help ensure full funding for future awards and safeguard the program's long-term viability.

Of the measures that were considered, only a few gained enough traction to get all the way through the legislative process. **Senate Concurrent Resolution 110 by Senator Morrish (Sent to Secretary of State)** creates a task force to study the TOPS program. The 10-member task force will review the purpose and history of the program, the relationship of the program to tuition, fees and financial aid programs, and ways to ensure the program's long-term viability. The task force shall submit a written report of its findings, and any recommendations, to the president of the Senate and speaker of the House no later than February 15, 2018.

Senate Bill 71 by Senator Donahue (Act 44) resolves inconsistencies in terminology in prior law relative to how the TOPS award amount is determined. Act 18 of the 2016

Regular Legislative Session provided that the TOPS award amount shall be equal to award amount paid for a student in the 2016-2017 academic year. The same instrument also provided that a student enrolled in a public postsecondary institution shall be awarded an amount equal to the tuition charged by the institution for the 2016-2017 academic year. In prior years, the award amount paid and the tuition amount charged at a public postsecondary institution had always been equal. However, due to TOPS not being fully funded for the 2016-2017 academic year, the award amount paid was less than the tuition amount charged. Thus, questions arose on whether future awards were to be equal to the tuition amount charged or the award amount paid in the 2016-2017 academic year. Senate Bill 71 clarifies that, unless increased by the legislature, the TOPS award amount shall be equal to the tuition amount charged by the public postsecondary institution during the 2016-2017 academic year.



TUITION

HB 113 by Representative Broadwater (Act 293) extends the authority of the postsecondary management boards to establish and increase student fees through the 2019-2020 academic year. Act 377 of the 2015 Regular Legislative Session gave the management boards the power to establish and set student fees but included a June 30, 2017 termination date for the authority. This measure extends the management boards' authority and changes the termination date to June 30, 2020.

MANAGEMENT/COORDINATION

House Bill 688 by Representative Pierre (Act 276) prohibits a public postsecondary institution from inquiring about a prospective student's criminal history, except for inquiries relative to convictions for stalking, rape or sexual battery, prior to the student's acceptance for admission. After a student has been accepted for admission, a university may inquire about a student's criminal history to offer supportive counseling, to make decisions relative to the student's participation in campus life, or to counsel the student in regard to certain occupational choices.

Senate Bill 102 by Senator Johns (Act 379) creates the Louisiana Educational Workforce Training Fund. The fund is to provide funding to Louisiana's public two-year, community and technical colleges for programs that produce high-wage, high-skill, and high-demand workforce credentials. The funds are to be distributed using an outcome-based funding model developed by the Board of Supervisors of Community and Technical Colleges and shall only be distributed upon receipt of a private match of at least 20

percent. The Board is to annually report to the senate and house committees on Education information on the private matches received, training programs funded, number of students enrolled, number and type of credentials awarded, and number and amount of scholarships provided.

Senate Bill 106 by Senator Bishop (Act 321) requires each public postsecondary management board, in conjunction with the commissioner of higher education and the president of each public university and community college system, to adopt a policy requiring each public postsecondary institution to address the prevention of unplanned pregnancies among unmarried students as part of an institution's freshmen orientation activities.

Vocational/Technical Education

by: *Jeanne C. Johnston*
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

No legislation on this topic during the regular session.

2017 2nd Extraordinary Session

No legislation on this topic during the second extraordinary session.

Elections

by: Ashley Mitchell-Carter
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

House Bill 71 by Representative Carmody (Pending Senate and Governmental Affairs) would have prohibited altering, removing, relocating, or destroying a memorial, including any structure, plaque, statue, or monument that is located on public property and that commemorates specified wars in U.S. history. It would have further prohibited altering, removing, relocating, destroying, rededicating, or renaming a public memorial, including any structure, plaque, statue, monument, school, street, bridge, building, park, or area, that has been dedicated in memory of or named for any historical military figure, historical military event, military organization, or military unit. It would have however, authorized a parish or municipal governing authority to take an action otherwise prohibited by the proposed law if the action is approved by the voters at an election.

House Bill 142 by Representative Pugh (Act 138) provides that a special statewide election shall be held on Sat., Oct. 14, 2017, for the purpose of submitting to the state's electors proposed constitutional amendments contained in joint resolutions concurred in during the 2017 Revised Statutes.

House Bill 160 by Representative G. Miller (Act 201) Current law provides for assistance for voters on election day and during early voting. Requires a person who seeks assistance in voting to file certain required documentation with the registrar prior to voting or to present certain documentation to election officials at the polls. This legislation provides that a person may submit a completed and signed voter registration application attesting that the voter has a physical disability and requires assistance in voting or a completed and signed voter assistance form provided by the secretary of state wherein the voter attests that he has a physical disability and requires assistance in voting.

House Bill 168 by Representative Carpenter (Act 143) provides for recordation and reporting of felony convictions in state and federal courts for which there are orders of imprisonment. Requires the secretary of Department of Public Safety and Corrections to send to the Dept. of State a report, certified as correct over his signature or the signature of his authorized representative, containing the name, date of birth, sex, and address as such information exists in the database of any person who has a felony conviction and who is currently under the custody or supervision of Department of Public Safety and Corrections. Adds information concerning each person who has a felony conviction and who has been released from the custody or supervision of the Dept. of Public Safety and Corrections (DPSC) to information required to

be reported periodically by the department to the Dept. of State.

House Bill 544 by Representative Danahay (Act 176) provides instead that in years when the president of the United States proclaims a National Voter Registration Day, the official state voter registration week is the full week in which the National Voter Registration Day occurs. Provides that in years when the president does not proclaim a National Voter Registration Day, the official state voter registration week is two weeks prior to the close of registration records for the regular fall primary election.

Specifies that certain information on the form will be used to assess eligibility and that the remaining information is to be used to identify the applicant at the polls. Adds the following information to the form: race (on a voluntary basis), electronic mail address, telephone number, and former registered name, if applicable. Requires the form to include the questions "Are you a citizen of the United States of America?" and "Will you be 18 years of age on or before election day?" and the statement "If you checked 'no' in response to either of these questions, do not complete the form." Specifies that only a single party affiliation may be provided.

Currently law, requires voter registration services to be available at all driver's license facilities in the state. Provides generally that an application for a driver's license or identification card issued by the Dept. of Public Safety and Corrections also serves as an application for voter registration unless the applicant declines to register to vote through specific declination or by failing to sign the voter registration application. Requires employees at driver's license facilities to offer

voter registration to each person making an application for a driver's license or identification card and, upon request, to provide assistance to a person who wants to register to vote. This Act requires employees at driver's license facilities to obtain written and signed confirmation of any declination of the offer of voter registration.

This Act provides that if the registrant appears and confirms that he has permanently moved to a different parish, the registrar shall transfer the registrant's registration to the registrar of the new parish of residence. Provides that if the registrant confirms that he has permanently moved outside the state, the registrar shall cancel the registrant's registration.

Current law provides for the qualifications of commissioners, including being a qualified voter who is able to perform the essential duties of a commissioner, not being a candidate or the immediate family member of a candidate in the election, and subject to certain exceptions, having completed certain training. This Act adds that if a proposition or question is on the ballot in a precinct, no member of the governing authority that called the election on the proposition or question and no member of the governing authority of a political subdivision that will receive revenue from a tax or fee that is the subject of the proposition or question shall be selected as a commissioner in that precinct.

Current law requires the clerk of court to conduct a course of instruction for commissioners-in-charge, commissioners, and alternate commissioners who are selected to serve in each election. The course shall be held after the selection of these officials but not less than four days prior to each election

and that the course shall primarily cover the procedures to be used in the election for which the officials were selected. This Act provides that the clerk shall either issue a certificate of instruction to each person who attends and completes the course of instruction or keep a list of such persons in the state voter registration computer system.

Current law provides that if all the votes cast in a primary election for a public office are void because of the death of a candidate, the primary election for the office shall be held on the date of the general election, and the general election for the office shall be held on the fourth Saturday after the primary election. However, if the primary election is held on the date scheduled for a congressional general election, the general election for the office shall be held on the 5th Saturday after the primary election. This Act provides that the general election shall be held on the fifth Saturday after the primary election in all cases, not only when the primary is held on a congressional general election date.

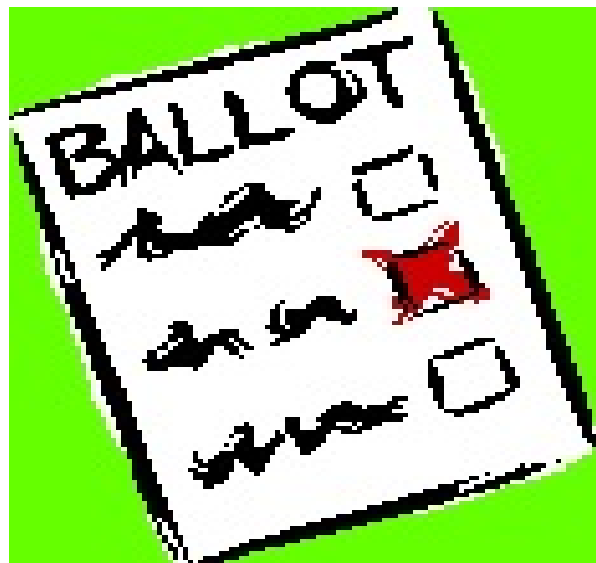
This Act provides that if the voter is not marked for assistance in voting in the precinct register the voter or the person, including a commissioner, assisting the voter shall check the box behind the tab for Assistance to Voters indicating that the voter has a physical disability or is unable to read.

This Act provides that if a certain percentage of qualified electors in a voting area sign a petition directed to the governor within a certain amount of time, the governor must issue a proclamation ordering an election to be held for the purpose of voting on the question of the recall of the officer. The proclamation shall order the election to be held on the next available date specified in present law (R.S.

18:402(F)). If the election is to be held on a primary election date, the proclamation shall be issued on or before the last day for candidates to qualify in the election.

This Act provides that if a ballot is physically damaged or cannot properly be counted by the counting equipment and the vote cast by the voter is clearly discernible from a physical inspection of the defective ballot, the ballot may be counted by hand.

This Act requires the secretary of state to be made a party to an action contesting an election submitting a proposition to the voters. Provides that the secretary of state shall have standing to intervene in an action objecting to candidacy in which the secretary of state was not the qualifying official.



Energy

by: Alan Miller
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

House Bill 98 by Representative Stuart Bishop (Act 411) specifies that the full production rate fee be assessed for all production from oil and gas wells except for production from those that are identified as reduced rate production wells. Horizontal, deep, and tertiary wells were previously exempted from severance tax, and are therefore not subject to the fee. Act 411 imposes this fee on those wells.

Current law imposes a set fee on the production of oil, condensate, and gas that is in addition to any severance taxes imposed on such production. The proceeds of the fee are to be used for the oilfield site restoration program in the Dept. of Natural Resources. Current law further provides that the fee for oil and condensate is based on the price on July 1st of each year as follows:

- (1) If the price of oil and condensate is at or below \$60/barrel, the fee is 1 and ½ cents/barrel.
- (2) If the price of oil and condensate is between \$60 and \$90/barrel, the fee is 3 cents/barrel.

- (3) If the price of oil and condensate is above \$90/barrel, the fee is 4 and ½ cents/barrel.

2017 2nd Extraordinary Session

No legislation on this topic during the second extraordinary session.

Environment

by: McHenry Lee
(225) 342-0734

2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

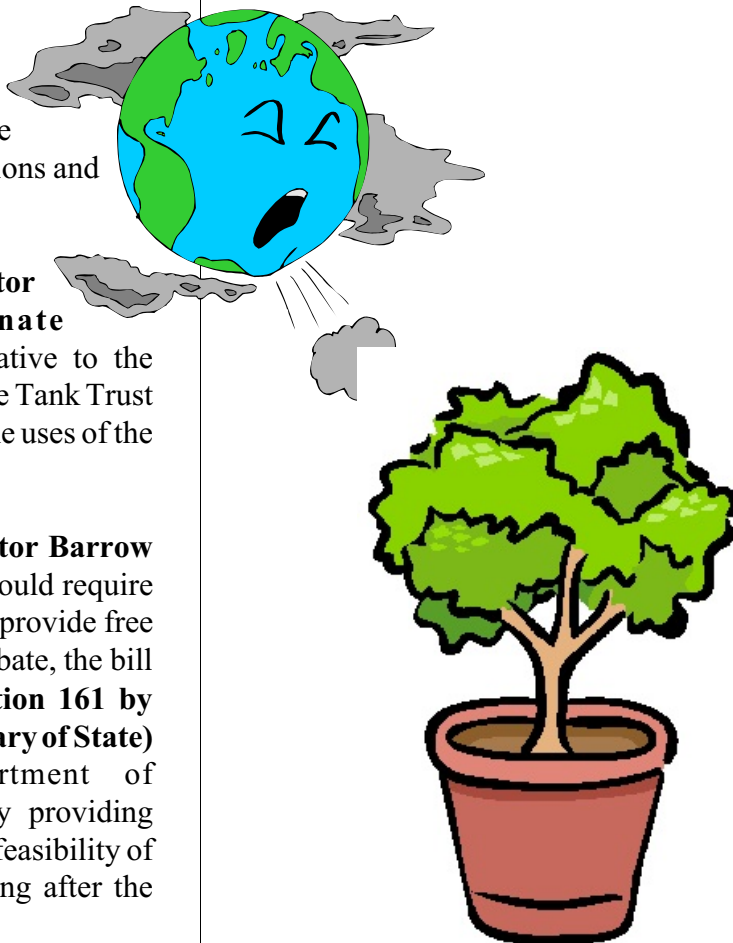
The committee heard three bills that originated in the Senate during the 2017 Regular Session, but all three were eventually deferred.

Senate Bill 46 by Senator Gatti (pending Senate Committee) would provide relative to open burning of munitions and waste.

Senate Bill 160 by Senator Walsworth (pending Senate Committee) would provide relative to the Motor Fuels Underground Storage Tank Trust Fund. This bill sought to clarify the uses of the trust fund.

Senate Bill 167 by Senator Barrow (pending Senate Committee) would require certain violators of air permits to provide free health screenings. After much debate, the bill was turned into **Senate Resolution 161 by Senator Barrow (Sent to Secretary of State)** which requests the Department of Environmental Quality to study providing notifications to residents and the feasibility of providing free medical monitoring after the release of toxic air emissions.

Additionally, the committee passed **House Bill 423 by Representative Leopold (Act 371)** authorizes the secretary of the Department of Environmental Quality to administer a water quality trading program.



Ethics

by: Ashley Mitchell-Carter
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

Senate Bill 189 by Senator Colomb (Act 388) provides an exception to present law by allowing public school teachers or administrators who participate in the National Math and Science Initiative to receive an award for the time spent performing for the benefit of his governmental entity.

House Bill 90 by Representative Danahay (Act 20) allows a public servant to receive any thing of economic value as a contribution or donation up to a total of \$25,000 from not-for-profit organizations or funds within not-for-profit organizations for the purpose of disaster aid or relief to offset any economic losses suffered by the public servant as a result of a gubernatorially declared disaster or emergency.

House Bill 231 by Representative Thibaut (Act 408) allows an immediate family member of the mayor or a member of a governing authority of a municipality with a population of 5,000 or less, or related legal entities to enter into certain transactions under the supervision or jurisdiction of the municipality.

House Bill 308 by Representative McFarland (Act 70) allows the continued

employment of a cadet or graduate of the state police training academy in the classified state police service where a member of the public employee's immediate family becomes the agency head of such public employee's agency, provided that he has been employed in the classified state police service for a period of at least four months.

House Bill 456 by Representative Abramson (House Final Passage) would call a limited constitutional convention preceded by study by an Evaluation and Drafting Committee to determine if a convention is needed. If the committee determines a convention is needed, provides that its report include a convention plan, including a proposed constitution. Would call convention to convene on Jan. 7, 2019, to be composed of 132 delegates, 105 elected from representative districts and 27 appointed. Would require convention to complete a new constitution by May 30, 2019. Limits convention to changes relative to state and local finance, raising revenue, allocation and expenditure of funds, education funding, higher education, accrual of retirement benefits by members of a state or statewide public retirement system hired after Dec. 31, 2019; the management of investments held by the state retirement systems; and the enactment of retirement benefit provisions.

Senate Concurrent Resolution 45 by Senator Colomb (Sent to Secretary of State) memorializes Congress to extend or eliminate the currently expired ratification time limit on

the Equal Rights Amendment.

Senate Resolution 140 by Senator Claitor (Pending Senate Finance) would require that all meetings of the Senate Health and Welfare Committee be captioned.



Finance

by: Jerry Guillot
(225) 342-0614

2017 1st Extraordinary Session

SUPPLEMENTAL APPROPRIATIONS

House Bill 3 by Representative Henry (Act 3), the Supplemental Appropriations Act, provides for supplemental appropriations and reductions in appropriations for Fiscal Year 2016-2017.

2017 Regular Session

APPROPRIATIONS

House Bill 1 by Representative Henry (Pending House Conference), the General Appropriations Act, would provide for the ordinary operating expenses of state government for Fiscal Year 2017-2018.

Effective July 1, 2017.

FUNDS/FUNDING

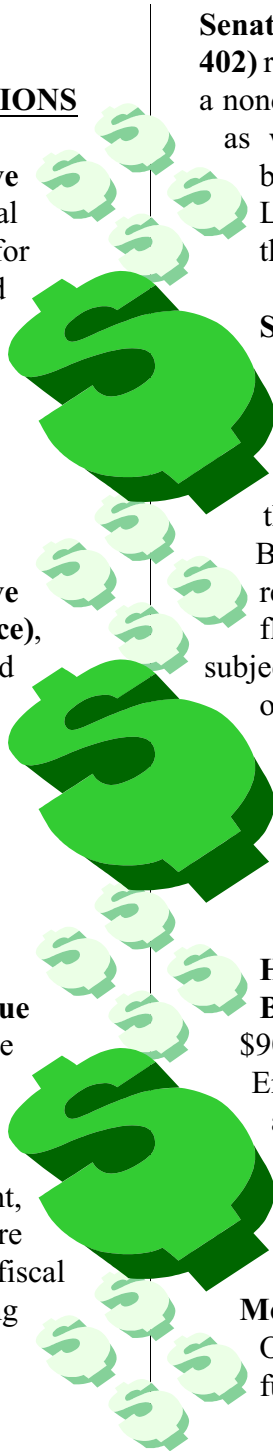
Senate Bill 98 by Senator Donahue (Act 401) provides that the executive budget for Fiscal Year 2018-2019 and each fiscal year thereafter shall include a listing of all incentive expenditure programs by department, including the incentive expenditure forecast as adopted for the current fiscal year by the Revenue Estimating Conference.

Senate Bill 100 by Senator Donahue (Act 402) requires the budget office to also prepare a nondiscretionary adjusted standstill budget as well as a continuation budget. Both budgets shall be submitted to the Joint Legislative Committee on the Budget at the first meeting in January of each year.

Senate Concurrent Resolution 83 by Senator White (Sent to Secretary of State), requests that the legislature take the necessary steps to ensure that federal funds received by Louisiana through the Community Development Block Grant–Disaster Recovery Program relative to damages caused by the flooding in the state during 2016 be subject to the same legislative oversight as the oversight required for the allocation and expenditure of federal funds received by Louisiana through the Community Development Block Grant–Disaster Recovery Program relative to damages caused by hurricanes Katrina and Rita.

House Bill 49 by Representative Bishop (Act 329) deposits an additional \$900,000 per year into the Mineral and Energy Operation Fund from judgments and settlements for FY 2017-2018 through FY 2020-2021 in order to pay for additional auditors.

House Bill 224 by Representative Moreno (Act 333) creates the New Orleans Quality of Life Fund as a special fund in the state treasury. It also



dedicates 3.97% of the state sales and use tax levied on hotel rooms in residential locations collected in Orleans Parish to the New Orleans Quality of Life Fund to be used by the city of New Orleans for code enforcement by the City of New Orleans Short Term Rental Administration.

House Bill 403 by Representative Henry (Pending House Conference) would provide for the transfer, deposit, and use of monies among state funds.

Effective July 1, 2017.

PROCUREMENT/CONTRACTS

Senate Bill 67 by Senator Fannin (Act 399) prohibits public entities not in compliance with the legislative auditor from letting any public contract that utilizes any state funds, whether received through direct appropriation or through transfer from another public entity, or whose funding relies upon the full faith and credit of the state.

Senate Bill 112 by Senator White (Act 51) provides that, if at any time after the execution of a performance-based energy efficiency contract, the state agency makes a unilateral change or modification to the scope of work under the contract, the annual energy cost savings attributable to the services or equipment shall be adjusted to account for any expended costs and any projected savings that can no longer be measured or verified as a result of the change or modification. The act further provides that any adjustment that reduces the annual energy cost savings attributable to the services or equipment by twenty percent or more shall require approval of the Joint Legislative Committee on the Budget prior to the amendment of the

contract.

Senate Resolution 149 by Senator Cortez (Sent to Secretary of State) establishes the Best Practices in Public Contracts Task Force to study best practices from other states to determine a fair method to evaluate bids on public works contracts based on best value instead of lowest cost.

2017 2nd Extraordinary Session

APPROPRIATIONS

House Bill 1 by Representative Henry (Act 3) the General Appropriations Act, provides for the ordinary operating expenses of state government for Fiscal Year 2017-2018.

House Bill 5 by Representative Henry (Act 2) the Supplemental Appropriations Act, provides for supplemental appropriations for Fiscal Year 2016-2017.

FUNDS AND FUNDING

House Bill 4 by Representative Henry (Act 1) provides for the transfer, deposit, and use of monies among state funds.

Gaming

by: Ashley Menou
(225) 342-0599

2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

CHARITABLE GAMING

House Bill 323 by Representative Franklin (Act 214) makes several changes to charitable bingo games. Electronic bingo card dabber devices are currently allowed for bingo games and Act 214 expands the use of electronic bingo card dabber devices to progressive bingo and progressive mega jackpot bingo games. Act 214 also allows electronic bingo card dabber devices to track a player's accounts and credits and perform accounting functions. However, Act 214 prohibits electronic bingo card dabber devices from offering video bingo games or any electronic pull-tab device game.

Act 214 also prohibits the sales of progressive mega jackpot bingo on an electronic bingo card dabber device for any organization from exceeding 6 games per hour and the gross sales of bingo and pull-tabs in a single quarter.

Act 214 changes the total amounts of prizes awarded during progressive bingo games and mega progressive jackpot bingo games. For both games, the amounts deposited into a special account before the gaming

session is no longer able to constitute part of the total amount of prizes awarded during the gaming session. However, for progressive mega jackpot bingo portions of contributions may be used for consolation prizes.

Current law allows a mega jackpot for a progressive bingo to exceed the \$4,500 prize limit up to \$100,000. Act 214 adds a restriction that only games played on bingo paper, bingo cards, or using an electronic bingo card dabber device can exceed the prize limit up to \$100,000. However, the mega jackpot for a progressive mega jackpot bingo game that's played on a networked or linked together through an electronic bingo card dabber device cannot exceed \$10,000 and portions of players' contributions may be used for consolation prizes, but cannot be considered part of the \$4,500 limit.

Act 214 also requires 80% of the net win from progressive bingo and progressive mega jackpot bingo games to be paid to the charitable organization and 20% of the net win from those games be paid to the distributors.

VIDEO POKER

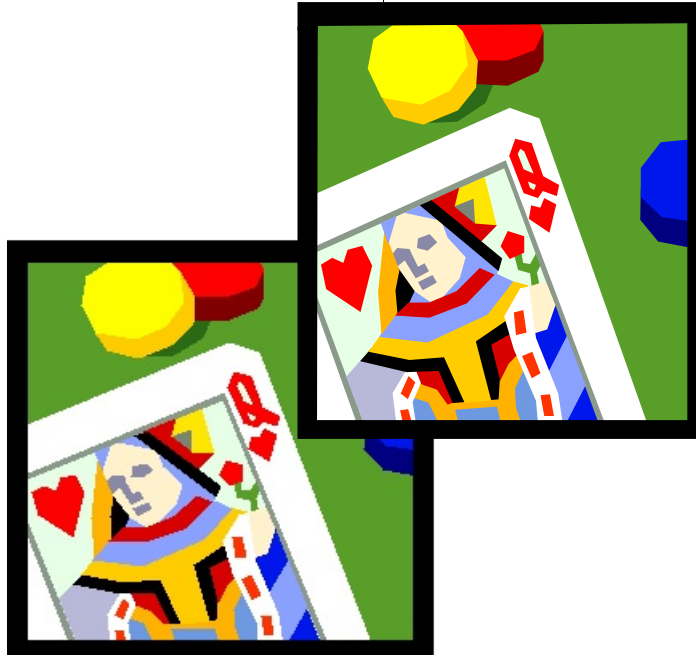
HB 295 by Representative Brown (Act 54) allows video poker machines to accept ticket vouchers and makes changes to the denominations of money devices can accept. Act 54 allows a video draw poker device to accept a ticket voucher in addition to

cash for play. Act 54 further provides that the ticket voucher can be for any amount.

Currently, a video draw poker device cannot accept cash in the form of bills over \$20. Act 54 raises the denomination of cash a device can accept to up \$100. Act 54 also allows video draw poker devices, in parishes except Orleans, to accept ticket vouchers in addition to coins in the amount of the minimum wager and currency of denominations of multiples of the minimum wager.

2017 2nd Extraordinary Session

No legislation on this topic during the second extraordinary session.



Health & Hospitals

by: *Christine Arbo-Peck*
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

IMPROVING QUALITY OF LIFE

Senate Bill 116 by Senator Mills (Act 187) creates the Work Out Now: WON Louisiana Legislative Commission to help connect existing public, private, and non-profit health improvement resources with local communities to increase physical activity and improve health at the community level such as through use of joint-use agreements for public use of school facilities and community health challenges.

Senate Bill 14 by Senator Luneau (Act 106) modernizes the definition of "auto-injector" in Louisiana to recognize that there are products that are available in delivery methods other than spring loaded syringes that can administer life saving epinephrine to individuals suffering from an anaphylactic reaction.

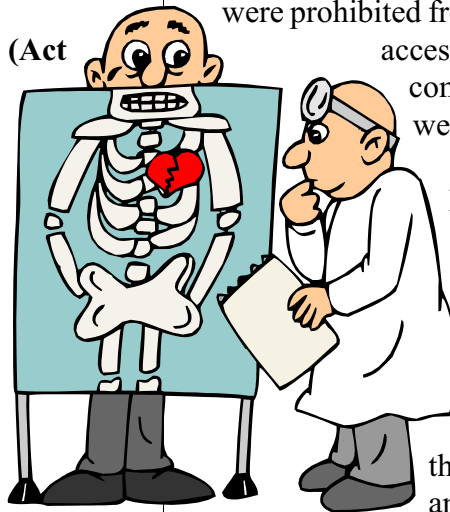
Senate Bill 59 by Senator Mills (Act 236) establishes an internet based research tool developed by the Louisiana State Board of Pharmacy to allow prescribers to view the cost of prescription drugs as they make decisions about prescribing for their patients.

House Bill 681 by Representative Moreno (Act 265) eliminates restrictions which prohibited certain individuals released from incarceration to be eligible for Supplemental Nutrition Assistance Program (SNAP) benefits (food stamps). Remedies an anomaly in the law whereby released felons who committed a non-violent drug related offence were prohibited from receiving the benefit of access to food, but those who committed violent offences were.

House Bill 179 by Representative Stokes (Act 292) updates present law which allows an individual the "Right-to-Try" experimental drugs that have not completed the entire United States Food and Drug Administration drug and device approval process to also include devices, such as technological devices that allow individuals to use computer driven systems to communicate.

BATTLING THE OPIOID EPIDEMIC

Senate Bill 55 by Senator Mills (Act 76) provides for prescribers to be automatically enrolled in the prescription monitoring program (PMP) when they obtain or renew their controlled dangerous substance license, requires prescribers to access the PMP except in certain circumstances to see if their patient is already being prescribed opioids by another



prescriber, and requires prescribers to obtain three continuing education hours on best practices regarding prescribing controlled dangerous substances, drug diversion, and drug treatment.

House Bill 192 by Representative Moreno (Act 82) limits first time opioid prescriptions for acute care to no more than seven days, with certain exceptions when it is a medical necessity to prescribe more. Also provides that the prescriber shall consult with the patient that he may take less than what is prescribed and allows the pharmacist to fill less than what is prescribed at the request of the patient.

Senate Concurrent Resolution 21 by Senator Mizell (Sent to Secretary of State) encourages prescribers and those entities that license, educate, and advocate on behalf of prescribers to engage in the national effort to treat pain in a manner other than the as the "fifth vital sign" or based on a pain scale, which has led to the subjective treatment of pain and has been recognized nationally as a contributor to the over-prescribing of opioids.

House Concurrent Resolution 75 by Representative White (Sent to Secretary of State) requests the Louisiana Department of Health to actively participate in discussions at the state and national level regarding pain as the "fifth vital sign" to encourage the use of alternative pain treatment options.

House Bill 490 by Representative Leger (Act 88) establishes the Advisory Council on Heroin and Opioid Prevention and Education within the Drug Policy Board to facilitate communication among and between state agencies and to include numerous stakeholder and advocates on the development of an Interagency Heroin and Opioid Coordination

Plan.

IMPROVING ACCESS TO BEHAVIORAL HEALTHCARE

Senate Bill 58 by Senator Mills (Act 73) improves the effectiveness and efficiency of the statewide Human Services Districts and Authorities by modernizing the law to move past the readiness assessment phase of this structure, facilitating better communication between the districts and authorities and the Louisiana Department of Health, and improving the board composition by solidifying membership of certain degrees of expertise including law enforcement, the judiciary, coroners, school-based health, public health, as well as ensuring representation of experts and consumers in the core fields of addiction, mental health, and developmental disabilities.

Senate Bill 216 by Senator Tarver (Act 254) allows a physician assistant to issue an emergency certificate to ensure that someone who is a danger to himself and others can be treated quickly and appropriately.

Senate Bill 38 by Senator Morrell (Act 235) removes certain restrictions from mental health counselors in order for them to more appropriately treat their patients with a broad range of serious mental illness without requiring prior collaboration which could hinder care.

House Bill 402 by Representative Havard (Act 417) establishes licensure and regulation of community-based care facilities where individuals with a behavioral health diagnosis reside together in the community to ensure that the individuals in the dwelling are properly cared for and the residences and

business near the dwelling also have an assurance that some oversight of the location is in place.

House Bill 395 by Representative D. Miller (Act 370) updates laws regarding involuntary commitment of an individual for mental illness to ensure that the proceeding is done timely with appropriate representation of the individual either with or without the involvement of the Louisiana Department of Health (LDH) and to ensure that if LDH is not a party to the proceeding they are consulted with prior to an individual being remanded to their custody to ensure that the most appropriate treatment is being made available to the individual in the least restrictive setting that is still safe and responsive to the individual's specific needs.

House Bill 159 by Representative D. Miller (Act 33) requires mental health rehabilitation providers who were previously exempt from licensure to obtain a license and be regulated by the Louisiana Department of Health in order to continue providing mental health services.

House Bill 341 by Representative D. Miller (Act 369) is a comprehensive language modernization Act that updates Louisiana mental health law to reflect the national recognition that mental health and addictive disorders are a co-occurring field of health that include the individual's entire behavioral health continuum.

Homeland Security

by: *JW Wiley*
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

Senate Bill 151 by Senator Bodi White (Act 246) was filed in order for the Governor's Office of Homeland Security and Emergency Preparedness to comply with the federal Emergency Management Assistance Compact (EMAC). The bill revises the current state statute from the Interstate Emergency Preparedness and Disaster Compact to the Emergency Management Assistance Compact. The bill provides that the state Emergency Management Assistance Compact will comply with all provisions of the federal EMAC. By complying with the federal EMAC, the state will be prepared to receive future grant money when any is available.

Due to the frequency and severity of natural and manmade disasters that have impacted this state, **House Bill 138 by Representative Sam Jones (Pending House Judiciary)** would provide for consistency in the manner in which individuals and entities are allowed access into disaster areas. The bill would not control the ingress and egress into those areas because those decisions rest with the parish authorities.



Information Technology

by: Gary Schaefer
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2017 1st Extraordinary Session

No legislation introduced for this topic during the first extraordinary session.

2017 Regular Session

AGED PERSONS/AGING COUNCIL

House Bill 199 by Representative Steve Carter (Involuntarily Deferred House Municipal Parochial and Cultural Affairs Committee) would have required each board member of the East Baton Rouge Council on Aging to complete a Board of Ethics education and training program annually, which could have been done in person or via the Internet.

ANIMALS

Senate Bill 64 by Senator Gatti (Act 184) provides for animal shelter operating procedures and training requirements and authorizes animal shelters to post pictures of animals on a social media account or website.

BUDGETARY PROCEDURES

House Bill 119 by Representative Ivey (Pending Finance Committee) would have required the state treasurer to establish and maintain the "Louisiana checkbook," a Louisiana fiscal transparency website, as a source of information for state expenditures. The website would have included a searchable database of all state expenditures; included the

ability to search and aggregate expenditures by state agency, category of expense, and/or vendor; supported the graphical representation of the expenditures; and included the ability to download the information from the website.

CONTRACTORS

Senate Bill 165 by Senator Barrow (Pending Senate Commerce) would have required the State Licensing Board for Contractors to maintain on its website public information regarding a contractor who was engaged in any of the following: a dishonest or fraudulent act that caused substantial damage, willful misrepresentation of material fact, willful failure to comply with rules and regulations of the board, entering into a contract with a person not licensed by the board, insolvency or cessation of business, failing to meet any of the requirements necessary for original licensure, disqualification or debarment by any public entity, and failing to possess insurance required by federal law.

CRIMINAL/RECORDS

House Bill 268 by Representative Jimmy Harris (Act 147) allows the division of administration, office of technology services to access criminal history information or state-issued REAL ID information. The Act further requires certain agencies with access to federal tax information, criminal history record information, or state-issued REAL ID information to perform a criminal history

records check on current and prospective employees, contractors, and subcontractors and to promulgate rules and regulations relating to criminal history records checks.

CURATORSHIP

Senate Bill 81 by Senator Bishop (Act 239) defines diligent effort to locate in curatorship proceedings to include Internet search sites. The Act recognizes the capacity to conduct searches on the Internet has become readily available and is highly effective, so preference should be given to Internet searches, particularly in lieu of or prior to publications.

FUNDS/FUNDING

House Bill 590 by Representative Hilferty (Act 355) requires a subcommittee of the Joint Legislative Committee on the Budget to review and make recommendations on certain statutory dedications. The Act further requires the subcommittee post the hearing schedule for the plan on the website of the Louisiana Legislature.

HEALTH/CANCER

House Bill 483 by Representative Jackson (Act 373) requires the Louisiana Tumor Registry to develop and publish on its website a mechanism by which individuals may elect to receive in electronic format notifications and reports issued by the tumor registry.

HEALTHCARE

Senate Bill 59 by Senator Mills (Act 236) requires the Louisiana Board of Pharmacy to develop a website to contain prescription drug price information to be made available to

Louisiana prescribers on the board's website with a dedicated link that is prominently displayed on the board's home page, or by a separate easily identifiable Internet address. The website shall include at a minimum: the name of products, if the drug is a brand or a generic, drug strength, per pill average wholesale price, and any disclaimers deemed appropriate by the board.

HEALTH/BEHAVIORAL

House Bill 341 by Representative Dustin Miller (Act 369) amends laws for the practice of behavioral health and mental health and allows a psychologist to conduct an examination of persons by telemedicine utilizing video conferencing technology, provided that a licensed healthcare professional can adequately and accurately assist with obtaining necessary information.

HEALTH/HOSPITALS

Senate Bill 75 by Senator Mills (Pending House Health and Welfare Committee) would have required the Louisiana Department of Health to maintain a link on its website that identified consumer vacancies, information on eligibility criteria to serve as a consumer member of a board, and detailed instructions on how to apply for a consumer-board seat on health profession licensing boards established within the Louisiana Department of Health. The department would have been required to maintain on its website information on public complaints filed against a board.

HUMAN SERVICES

House Bill 172 by Representative Horton (Pending House Commerce Committee) would have created the Human Trafficking and Child Exploitation Prevention Act and required retailers of Internet-capable devices to install a digital blocking capability that rendered obscene material, child pornography, revenge pornography, and any website known to facilitate prostitution and human trafficking prior to sale or lease of the device to a consumer. The bill also would have allowed the retailer to deactivate the digital blocking capability if the consumer who purchased or leased the device performed all of the following: requested in writing that it be deactivated, presented identification he was at least 18 years of age, acknowledged a written warning regarding the potential danger of deactivating the blocking, and paid a one-time fee of \$20.

INFRASTRUCTURE

House Concurrent Resolution 121 by Representative Ivey (Sent to Secretary of State) requests the office of technology service to perform a risk assessment of the state's information technology infrastructure to determine risks posed and the cost of continued operation of outdated or ineffective information technology. The office is to report its findings and recommendations to the legislature by February 1, 2018.

INTERNET

Senate Bill 114 by Senator Appel (Act 322) authorizes local governments to provide high-speed Internet in public airports.

LAW ENFORCE/OFFICERS

House Bill 277 by Representative James (Act 210) requires the Council on Peace Officer Standards and Training to develop and implement curriculum for de-escalation, bias policing recognition, sudden in-custody death, and crisis intervention training for peace officers that consists of classroom or Internet instruction, or both.

MEDICAID

House Bill 492 by Representative Magee (Act 349) requires the Louisiana Department of Health to make available on its website all informational bulletins, health plan advisories, and guidance published by the department concerning the Louisiana Medicaid managed care programs.

PROPERTY INSURANCE

Senate Bill 134 by Senator Allain (Pending Senate Insurance Committee) would have required the Louisiana Citizens Property Insurance Corporation to create the Louisiana Citizens Home Strengthening Grant Pilot Program to allow grants up to \$15,000 to pay for retrofitting a homestead insured by Citizens. The bill further would have required an applicant secure a final inspection and certification from the local parish building code enforcement agency upon completion of the retrofitting and for Citizens to post photographs of the modified residence on its website.

PUBLIC CONTRACTS

House Bill 554 by Representative Shroder (Act 226) provides for methods of obtaining online quotes and bids and reverse auctions

for purchases made under the Public Bid Law and the Procurement Code.

PUBLIC CONTRACT/BIDS

House Bill 491 by Representative Leopold (Act 308) provides for electronic submittal procedures for the lease of public lands and exempts lessors with no high-speed Internet access until the lessor has access to high-speed Internet.

REAPPORTIONMENT

House Bill 228 by Representative Pat Smith (Involuntarily Deferred House and Governmental Affairs Committee) would have required the legislature to adjust the tabulation of population provided in the decennial census by the U.S. Census Bureau by information provided by the Department of Public Safety and Corrections on incarcerated persons. The bill further would have required the draft adjustment to be published on the website of the legislature as soon as practicable following its completion and to be submitted for approval by the committees on House and Governmental Affairs and Senate and Governmental Affairs.

RETIREMENT SYSTEMS

Senate Resolution 39 by Senator Milkovich (Pending Senate Final Passage Subject to Call) would have requested state retirement systems to report certain investment information including amounts paid to investment professionals and would have required the report be published on the official website of that system.

Senate Resolution 123 by Senator Milkovich (Sent to Secretary of State) urges and requests each state retirement system to post on its website the comprehensive investment reports submitted quarterly pursuant to Senate Resolution 175 of the 2005 Regular Session.

REVENUE DEPARTMENT

House Bill 333 by Representative Jefferson (Act 150) authorizes the secretary of the Department of Revenue to require the filing of electronic tax returns and the payment of taxes by electronic funds transfer. The Act further authorizes an exemption from the requirement to make payments through electronic transfer if the taxpayer can prove the payment by electronic funds transfer would create an undue hardship.

SCHOOLS/CHARTER

House Bill 242 by Representative Emerson (Act 207) requires the State Board of Elementary and Secondary Education and local public school boards to deliver by electronic means or hand-delivery certain information relative to third-party evaluations of charter proposals.

SENATE

Senate Resolution 140 by Senator Claitor (Pending Finance Committee) would have required all meetings of the Senate Health and Welfare Committee be captioned.

STATE AGENCIES

Senate Concurrent Resolution 48 by Senator Milkovich (Sent to Secretary of State) requires state agencies to include on the

agency's website information regarding any properties rented by the agency.

STUDENTS

Senate Bill 158 by Senator Milkovich (Pending House Education Committee) would have provided relative to bullying in schools and required schools to develop a form to report bullying. The form would have been available on the Department of Education's website.

TAX

House Bill 582 by Representative Smith (Act 273) levies a four cent assessment per month per line for each wireless residential and business telephone number. The money collected is to be placed in the "Telecommunications for the Deaf Fund". The monies in the fund shall be used solely to establish, administer, and promote a statewide program to provide accessibility services and assistive technology for persons who are deaf, deaf/blind, hard of hearing, speech impaired, or others with similar disabilities or impairments, including captioning and American sign language services to be utilized at the legislature.

TRANSPORTATION

House Bill 527 by Representative Havard (Pending Judiciary A Committee) would have established safety, reliability, and access requirements for Transportation Network Companies (TNC). The bill defined "digital network" as any online enabled technology application service, website, or system offered or utilized by a TNC that enables the prearrangement of rides with TNC drivers. The bill further would have provided that the

TNC provide on its website the fare or fare calculation method, its policy and procedures to report a complaint, and if the individual was a match on the national sex offender public website maintained by the U.S. Department of Justice.

TAX/TAXATION

Senate Bill 254 by Senator Morrell (Act 309) provides for the Motion Picture Production Tax Credit, provides for a cap on the credits, and requires the Department of Revenue to make a reasonable effort to post a listing of estimated amounts available under the cap on its website.

VOTERS/VOTING

Senate Bill 84 by Senator Peacock (Pending Senate and Governmental Affairs Committee) would have provided that the Department of State make the names and addresses of persons on the inactive voting list available on the official Internet website or portal of the department.

WATER/DRINKING

House Bill 533 by Representative Hunter (Act 263) requires enforcement of the primary and secondary drinking water standards established by the U.S. Environmental Protection Agency and requires the Department of Environmental Quality, the Louisiana Department of Health, and the Public Service Commission to conduct random unannounced inspections at sufficient intervals, or when deemed necessary, to determine compliance with law and to post and maintain the results of the inspections conducted on the respective Internet websites.

2017 2nd Extraordinary Session

No legislation introduced for this topic during the second extraordinary session.



Insurance

by: Cheryl Cooper
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

Senate Bill 44 by Senator John Smith (Act 182) allows a nonresident producer to sell policies issued by Louisiana Citizens Property Insurance Corporation when the state of residence allows Louisiana resident producers to sell policies issued by that state's residual market mechanism.

Senate Bill 184 by Senator Luneau (Act 166) Currently, any person having a claim against an insurer shall first exhaust all coverage provided by any other policy, including the right to a defense under the other policy, if the claim under the other policy arises from the same set of facts, injury, or loss giving rise to the covered claim against the Louisiana Insurance Guaranty Association. This requirement to exhaust applies without regard to whether the other insurance policy is written by a member insurer. No one is required to exhaust any right under the policy of an insolvent insurer or right under a life insurance policy or annuity.

This legislation adds a provision that one's own uninsured or underinsured motorist coverage is not included in the coverage requirement that "one must exhaust all coverage under any other policy" before making a claim to the Association.

As stated in present law, any amount payable on a covered claim by the Association is to be reduced by the full applicable limits stated in the other insurance policy, or by the amount of the recovery under the other insurance policy. Then, the Association and the insured receive a full credit for the total recovery. Act 166 excludes uninsured and underinsured motorists policies from the full credit requirement for the total recovery.

House Bill 435 by Representative Kirk Talbot (Act 306) is a product of a full collaborative effort. Currently, a healthcare facility shall provide a written notice to a patient regarding the possible provision of services to a patient by facility-based providers who are out-of-network providers. The patient shall be informed in the written notice that the patient may be responsible for all or part of the fees for out-of-network services.

Act 306 rewrites the notice to clarify what balance billing is and that the patient will be responsible for charges by those out-of-network providers. The patient is required to sign a copy of the balance billing notice provided to him which the facility is responsible for maintaining in the patient's records on-site. Additionally, a healthcare facility shall provide a patient with the name and contact information for providers who are contracted to provide services at the facility, and inform the patient that he may request information from his insurer as to whether those providers are in-network or out-of-

network, and under what circumstances the patient may be responsible for payment of amounts not paid by the insurer. A healthcare facility shall provide notice when a patient is receiving services in a hospital-based outpatient facility that the patient may be charged a facility fee billed separately from the healthcare provider's fee, and that this facility fee may not be covered by the patient's health insurance.

House Bill 542 by Representative Julie Stokes (Act 225) applies to travel insurance where policies and certificates are delivered or issued for delivery in Louisiana. This legislation subjects travel insurers to the provisions of the Insurance Code in regards to requirements for deposits, assessments, fees, and taxes, including the premium tax. Further, it allows for the offering of travel protection plans for one price if there is no finding that the travel insurance market is noncompetitive, certain waivers are clearly delineated in the plan's materials, and the plan clearly discloses that it includes travel insurance, travel assistance services, and cancellation fee waivers. The inclusion of blanket travel insurance coverage with the purchase of a trip is permitted. Travel insurance to be provided by an individual policy or under a group or master policy is also permitted.

Act 225 requires disclosure of pre-existing condition exclusions and requires disclosure of whether the policy is primary or secondary to other applicable coverage. Policyholders are provided with 10 days from the date of purchase to cancel the policy, unless a covered trip has commenced or a claim under the policy has been filed.



Judiciary

by: Tom Wade
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

Appropriation

The deficit, once again, was the subject of intense discussion and debate throughout the 2017 regular session. With respect to the operating expenses of the judiciary, the third branch of state government, **House Bill 620 by Representative Henry (Act 68)** appropriates funds totaling \$171,164,719 from the following sources: \$151,530,944 out of the State General Fund (Direct); \$9,392,850 through interagency transfers from the Department of Children and Family Services; and \$10,240,925 from statutory dedications out of the Judges' Supplemental Compensation Fund and the Trial Court Case Management Fund.

Funding for the ordinary operating expenses of the judicial branch of government is provided as follows:

Louisiana Supreme Court	\$ 84,921,583
Courts of Appeal	\$ 47,551,252
District Courts	\$ 39,577,372
Criminal Court, <i>Parish of Orleans</i>	\$ 6,638,871
Juvenile and Family Courts	\$ 2,665,681
Other Courts (<i>required by statute</i>)	\$ 3,202,337

Reentry Courts

House Bill 94 by Representative Lance Harris (Act 131) authorizes each district court to establish a reentry division, but it requires that each district court secure funding before establishing a reentry division. Prior law authorized the creation of reentry divisions in the 1st Judicial District Court, 4th Judicial District Court, 11th Judicial District Court, 14th Judicial District Court, 15th Judicial District Court, 19th Judicial District Court, 21st Judicial District Court, 22nd Judicial District Court, 24th Judicial District Court, 25th Judicial District Court, 26th Judicial District Court, 32nd Judicial District Court, and Criminal District Court for the parish of Orleans. The reentry division was responsible for developing a workforce development sentencing program with specific qualifications and requirements.

Juvenile Justice

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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

There are distinct differences between youth and adults, which provides unique scenarios regarding rehabilitation and punishment. Youth are typically less mature, less developed, and have a greater capacity to grow and change than adults. States have established separate courts for juveniles that are much different from the adult court systems. This separation gives juvenile courts more flexibility to assign appropriate consequences and make services and resources, designed for troubled youth available; it also allows for greater involvement of family and community in the justice process. In the U.S. on any given day, there are nearly 80,000 youth in a detention or correctional facility.

This year the legislature of Louisiana underwent two sessions (two special and one regular). In 2017, the state of Louisiana is experiencing an ongoing budget crisis that put several critical services and entities in jeopardy. However, the legislature did not lose sight of other important issues facing the citizens of our great state. Issues involving juvenile justice are as critical as they have ever been in our state's history. Here is a brief overview of some of the legislation that was introduced.

CHILDREN

SB16 by Senator Dan Claitor (Act 277)

Provides parole eligibility for any person serving a sentence of life imprisonment for a conviction of first or second degree murder who was under the age of 18 years at the time of the commission of the offense and whose conviction became final prior to 6/25/12 if certain conditions are met, including the condition that the person serve at least 30 years of the sentence imposed. The current law sentencing hearing is not required to determine whether such persons are eligible for parole. Amends the current law provision that provides parole eligibility for persons convicted of first or second degree murder who were under the age of 18 at the time of the commission of the offense and whose conviction became final on or after 6/25/12, to decrease the number of years such persons are required to serve prior to becoming eligible for parole from 35 to 30. New law retains the current law requirement of a sentencing hearing to determine whether such persons are eligible for parole. Adds that, upon motion by the district attorney within 180 days of obtaining an indictment, a sentencing hearing is to be held in any case where a juvenile offender is to be sentenced to life imprisonment for a conviction of first degree murder to determine whether the sentence will be imposed with or without parole eligibility. Deletes the requirement of a sentencing hearing for juvenile offenders convicted of second degree murder, regardless of the date of conviction, to determine whether the life

sentence will be imposed with or without parole eligibility. Such persons are eligible for parole upon serving 30 years of the sentence imposed and meeting other conditions in current law. Provides that for all persons eligible for parole pursuant to provisions of current law and proposed law, the committee on parole is to meet in a three-member panel, and each member of the panel is to be provided with and is to consider a written evaluation of the offender by a person who has expertise in adolescent brain development and behavior. The panel must render specific findings of fact in support of its decision.

SB122 by Senator Ward (Pending Senate Judiciary C) would have provided that whoever commits the crime of cruelty to juveniles is to be fined up to \$1,000, or imprisoned with or without hard labor for up to 10 years, or both. Proposed law also would have retained current law and added that if the offender is an owner, employee, volunteer, or agent of an early learning center, including a child day care center, as defined in current law, acting in the course and scope of the performance of his duties, he is to be fined between \$500 and \$1,000, or imprisoned with or without hard labor for between one year and 10 years, or both. Would have provided that whoever commits the crime of second degree cruelty to juveniles is to be imprisoned at hard labor for not more than 40 years. Proposed law would have retained current law and added that if the offender is an owner, employee, volunteer, or agent of an early learning center, including a child day care center, as defined in current law, acting in the course and scope of the performance of his duties, he is to be imprisoned at hard labor for not less than five years nor more than 40 years.

SB156 by Senator Lambert (Pending Senate Judiciary B) would have provided rules relative to educational requirements at juvenile detention facilities, including that the provider is to have written policies, procedures, and practices to ensure that each youth has access to the most appropriate educational services consistent with the youth's abilities and needs, taking into account his age, and level of functioning, and that the youth is to receive a free and appropriate public education.

Proposed law would have provided that these current law rules do not apply to juvenile detentions of 30 days or less. Proposed law otherwise would have retained current law. Current law provides that meals at juvenile detention facilities are to be planned and provide a well-balanced diet sufficient to meet nutritional needs. Proposed law would have retained current law and adds that food and dietary allowances are to be in accordance with caloric tables published by the U.S. Dept. of Health and Human Services, National Institutes of Health, concerning caloric intake for juveniles. Current law would provide that youth at juvenile detention facilities are to receive snacks in the evenings. Proposed law would have deleted this provision.

Current law provides requirements relative to medical care at juvenile detention facilities, including that the provider must have availability or access to a physician or local emergency room 24 hours a day, seven days a week. Proposed law would have provided that for juvenile detentions of 30 days or less, the requirements of current law may be fulfilled by an adult facility within reasonable proximity to the juvenile detention facility that can provide the same services. Proposed law would have otherwise retained current law.

Current law provides that a juvenile detention facility's perimeters must be controlled by appropriate means to provide that youth remain within the perimeter and to prevent access by the general public without proper authorization. Current law further provides that facilities cannot utilize razor wire to secure the perimeter. Proposed law would have provided that the current prohibition does not apply to juvenile detentions of 30 days or less if the cost of removal of existing razor wire would be prohibitive. Proposed Law would have provided that for juvenile detentions of 30 days or less, separate dining facilities are not be required at the facility, and day rooms may be used for seated dining at tables.

Proposed Law would have provided for juvenile detentions of 30 days or less, ceilings may be a minimum of 8 feet from ceiling to floor. Proposed Law otherwise would have retained current Law.

Proposed Law would have provided for juvenile detentions of 30 days or less, doors to sleeping rooms may be across the corridor from each other. Proposed Law otherwise would have retained current Law.

Proposed Law would have provided provide that for juvenile detentions of 30 days or less, this current Law requirement is met if there is an adult facility within reasonable proximity to the juvenile detention facility that can provide laundry services to the juvenile detention facility.



Labor/Employment

by: Carla Roberts
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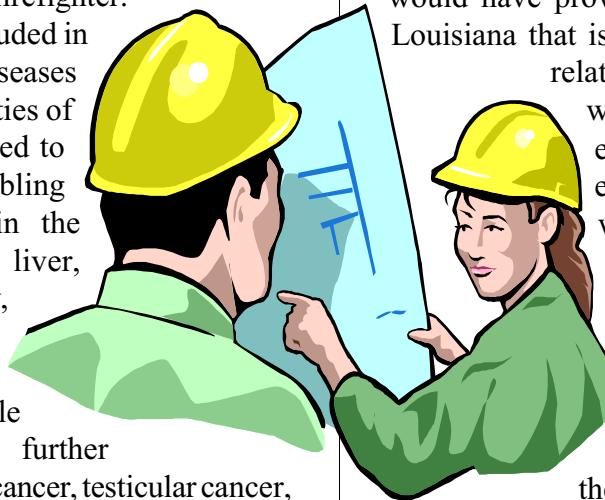
2017 1st Extraordinary Session

No legislation introduced for this topic during the first extraordinary session.

2017 Regular Session

Senate Bill 63 by Senator Gatti (Act 63) seeks to add additional protections to firefighters who suffer cancers caused by ingesting carcinogens during the course and scope of their employment. Currently, the law classifies certain types of cancer as occupational diseases or infirmities connected with the duties of a firefighter.

Those cancers are included in the occupational diseases connected with the duties of a firefighter, but limited to cancer to those disabling cancers originating in the bladder, brain, colon, liver, pancreas, skin, kidney, or gastrointestinal or tract, and leukemia, lymphoma, and multiple myeloma. Act 63 further provides that prostate cancer, testicular cancer, a cancer originating in the reproductive tract, are cancers which are to be included as an occupational disease category for firefighters. Act 63 further removes the requirement that the cancer be disabling or any other type of cancer, due to occupational exposure, for which firefighters are determined to have a statistically significant increased risk over that of the general population.



Senate Bill 155 by Senator Troy Carter (failed on the Senate Floor) would have made it unlawful for any employer to refuse to hire, discharge, or otherwise discriminate with respect to compensation, terms, conditions of employment, segregate, limit, or classify his employees or applicants for employment due to an individual's actual or perceived sexual orientation, gender identity, or gender expression.

Senate Bill 153 by Senator Troy Carter (passed the Senate Labor Committee but deferred in Senate Finance) would have provided a minimum wage for Louisiana that is different from federal law related to the minimum wage in which employers pay their employees. **Bill 153** would establish the state minimum wage and set it at \$8.00 per hour beginning Jan. 1, 2018 and \$8.50 per hour beginning on Jan. 1, 2019. **Senate 153** would have required that if the federal minimum wage is raised, the state minimum wage would also have been raised to that same level.

Senate Bill 2 by Senator Morrell (pending Senate Final) Currently, the statute labeled "Equal Pay for Women Act" provides that women working as employees of the state of Louisiana are to be entitled to the same compensation as men employed by the state of

Louisiana. **Senate Bill 2** would have extended the law to cover men as well as women and also extends the provisions to cover local government employees and private sector employees. **Senate Bill 2** would have added employment concepts of "comparable worth" and "negligent discrimination" to causes of action which a private sector employee may maintain against the employer.

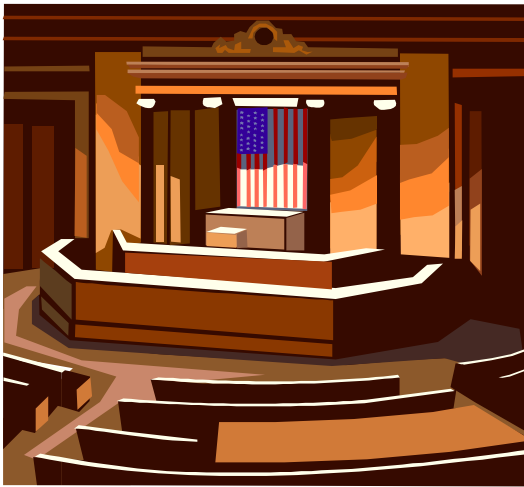
Legislative Affairs

by: *Laura Gail Sullivan*
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2017 1st Extraordinary Session

No legislation introduced for this topic during the first extraordinary session.

2017 Regular Session



BUDGETING CONCERNS

House Bill 330 by Representative Henry (Pending House Committee on Education) proposed to amend the constitution to allow the legislature to amend the minimum foundation program (MFP) formula, used to fund city, parish, and other local public school systems, only for the purpose of changing the base per-pupil cost.

House Resolution 74 by Representative Henry (Subject to call – House final passage) would have provided for recommitment of any legislative instrument with an estimated fiscal cost of \$100,000 or more in any one of the three ensuing fiscal years, removing the requirement that the cost must be from state general funds.

LEGISLATIVE POWERS AND DUTIES

Senate Concurrent Resolution 102 by Senator Ward (Sent to Secretary of State) affirms the need for civility in public political discourse and debate for effective governing through representative democracy.

House Bill 33 by Representative Pearson (Act 366) allows the chairmen of the House and Senate committees on retirement to authorize legislative staff to attend an executive session of any state or statewide retirement system board or committee, without the need for the chair to be an ex officio member of that board.

Local Government

by: Michael Bell
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

MUNICIPALITIES

Senate Bill 10 by Senator Mills (Subject to Call House Final Passage) would authorize the St. Martin Parish Assessment District to provide for an automobile expense allowance for the assessor, in accordance with an automobile expense allowance for the assessors in Assumption, Iberville, Lafayette, Point Coupee, and Webster parishes.

Senate Bill 238 by Senator Perry (Act 175) authorizes the town of Duson, subject to voter approval, to levy and collect an additional sales and use tax not to exceed 1%. Provides that the tax shall be in addition to all other authorized taxes and shall not be subject to rate limitations established by present constitution or present law. Further provides that the proceeds of the tax may be used to fund the infrastructure and repairs of roads in the town and permitted by the election proposition authorizing the levy of the tax.

PARISHES

Senate Bill 83 by Senator Barrow (Act 310) authorizes Visit Baton Rouge, subject to voter approval, to levy an additional two percent occupancy tax upon the paid occupancy of

hotel rooms located within East Baton Rouge Parish, but not located within the municipalities of Baker, Central, or Zachary or the area within the boundaries of the Baton Rouge North Economic Development District. Provides that the proceeds from the additional two percent shall be divided with 50% of the proceeds shall be used to fund the Raising Cane's River Center and 50% percent of the proceeds shall be used to fund Visit Baton Rouge.

PUBLIC BUILDINGS

Senate Bill 204 by Senator G. Smith (Act 168) authorizes the St. John the Baptist Parish governing authority to name the parish library's central branch in LaPlace after a living person, Norris Butch Millet Sr.

PUBLIC LANDS

Senate Bill 137 by Senator Johns (Act 290) authorizes the city of Lake Charles to call a special election to seek voter approval regarding the commercial and residential usage of all or a portion of the leased land on the lakefront. Further authorizes the city of Lake Charles to have the full and exclusive right, jurisdiction, power, and authority to conduct and effectuate development in the lakefront land areas for the residential, commercial, and profit-oriented purposes consistent with the proposition if a majority of the qualified electors vote to approve it at the referendum election.

PUBLIC PROPERTY

Senate Bill 199 by Senator Erdey (Act 191) provides that a public entity may share equipment with another public entity without rendering payment to the entity that owns the equipment as long as the entities have executed a cooperative endeavor agreement for the use of the equipment. Further requires that the cooperative endeavor agreement contain reasonable details of the obligations between parties, identify the equipment that will be used, explain the use and the approximate length of time for use of the equipment, address the responsibility for repairing or replacing the equipment, and include a hold harmless provision. Additionally, provides for an emergency clause wherein a cooperative endeavor agreement is not required, provided the public entities share the equipment in good faith relative to the emergency situation.

SPECIAL DISTRICTS

Senate Bill 5 by Senator Luneau (Act 178) authorizes the governing authority of Rapides Parish to pay the identical per diem to each member of the board of supervisors of Sewerage District No. 2 as paid to each member of the board of supervisors of Sewerage District No. 1. Provides that the amount shall not exceed \$150 for each day of attendance at the meeting of the board.

Senate Bill 99 by Senator Donahue (Act 242) relative to the St. Tammany Parish Development District and its board of commissioners, reducing the membership of the board from 13 to 11 members. Provides for members of the board to be nominated by the existing board of commissioners and submitted to the council of St. Tammany

Parish for approval. Provides for commissioners to serve three-year terms of office except in the case of shorter initial terms. Further provides for records in the custody of the district pertaining to an active negotiation with a person for the purpose of retaining, expanding, or attracting economic or business development in St. Tammany Parish are to be confidential on the same basis as such record in the custody of the Department of Economic Development with the district's executive director performing the duties and obligations of the secretary of the department and the official journal of St. Tammany Parish substituted for the official journal of the state. Removes provision that the board elect an executive director from among its own members.

Senate Bill 115 (Act 288) creates the University Neighborhood Security and Improvement District in Orleans Parish. Provides for the district to be governed by a nine-member board of commissioners. All members of the board must be residents of the district. They are to serve four-year terms except for the president of the association who is ex officio. Authorizes the governing authority of the city of New Orleans to impose and collect a parcel fee within the district in an amount that is requested by the board, the fee must be a flat fee per improved parcel of land not to exceed \$950 per year for each improved parcel. The fee expires in 10 years, but may be renewed if approved by voters of the district. Provides for the proceeds of the fee to be used solely and exclusively for the purpose and benefit of the district; however, the Orleans Parish Sheriff may retain one percent of the amount collected as a collection fee. Further provide for the board to adopt an annual budget in accordance with the Local Government Budget Act, and the district must

be subject to audit by the legislative auditor.

Senate Bill 200 by Senator Erdey (Act 167) requires the governing authority of Livingston Parish to increase the number of board of supervisors from five to seven for the Livingston Parish Sewer District.

Senate Bill 210 by Senator Erdey (Act 169) requires the governing authority of Livingston Parish to increase the number of board of commissioners from five to seven for Gravity Drainage District No. 2.

Senate Bill 227 by Senator Barrow (Act 393) creates the Bethany Convention Center Development District in East Baton Rouge Parish as a special taxing district and political subdivision of the state. Provides that the district is governed by a six-member board of commissioners, who shall be the mayor of the city of Baker, or his designee and each council member of the Baker City Council. Authorizes the district to use hotel and sales tax incremental financing or other financing pledging the revenues of the district.

Senate Bill 250 by Senator Boudreaux (Act 326) specifies the composition and powers of the board responsible for managing the affairs of the Opelousas Downtown Development District. Provides different and expanded boundaries of the district and requires that the district's boundaries be referenced by original parcel numbers. Requires that each board member be a citizen of the U.S. and a domiciliary of and a qualified voter in the parish of St. Landry. Additionally, prohibits an elected official from serving on the board during his service in elective office.

WATER/SEWER OPERATORS

Senate Bill 246 by Senator Morrell (Act 311) authorizes the New Orleans Sewerage and Water Board to sell its other services to neighboring parishes.



Military/Veterans Affairs

by: Heyward Jeffers
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

Regular Session 2017

Louisiana Special Prestige Military License Plates.

Senate Bill 135 by Senator Lambert (Act 289) creates the Blue Star Mothers special prestige license plate. The deputy secretary of the Department of Public Safety and Corrections will create and issue the plate. All applicants shall be Louisiana residents and submit written evidence of vehicle ownership and family relationship as the spouse, sibling, parent, or child of a person serving or who has served in the armed forces of the United States as a member of the Army, Air Force, Marines, and Coast Guard, including Reservists and National Guard troops. Proof of service and family relationship shall include a member's military identification card, DD214, member's leave and earning statement. Also letters from a member's unit commander, marriage license, birth certificate, or a signed and notarized affidavit from the service member attesting to the applicant's family relationship. The department will collect an annual royalty fee of \$25 in addition to the standard motor vehicle license fee for administrative costs. The department shall also forward the royalty monies collected to the Mothers of Military Servicemen and Women/Blue Star Mothers of Louisiana, Chapter 1. The Act becomes law January 1, 2018.

House Bill 476 (Act 3) by Representative Hazel requires that the \$25 fee now charged for the plate Support Our Troops be forwarded to the Louisiana Military Family Assistance Fund. Application for the special prestige plate, after January 1, 2018, constitutes prior consent to provide the name, address, and birth date to the Louisiana Military Assistance Board.

Louisiana Military Family Assistance Board.
House Bill 320 by Representative Hazel (Act 60) requires that when the Louisiana Military Family Assistance Board has not entered into a cooperative agreement with a third party administrator in accordance with rules promulgated by the board, then a third party may enter into a cooperative agreement and that party shall be one or more employees of the Louisiana Department of Veterans Affairs, designated by the secretary and approved by the board. The law currently allows the board to enter into cooperative agreements with third parties, but only with approval of the Joint Legislative Committee on the Budget.

Death and Disability claims by National Guard troops.

House Bill 212 by Representative Gisclair (Act 37) changes the handling of claims for disability benefits by National Guard forces by requiring that such claims be handled by the Louisiana Department of Veterans Affairs instead of the Louisiana National Guard.

National Guard Training.

House Bill 185 by Representative Armes (Act 1) establishes the Louisiana Military Medics and Corpsmen pilot program. It authorizes the Louisiana Department of Veterans Affairs, in collaboration with each state agency or professional or occupational licensing board or commission that regulates the practice of a healthcare profession, to create a pilot program in which military medical may practice and perform certain delegated acts that constitute healthcare services under the supervision of a physician or podiatrist who holds an active, unrestricted license in Louisiana.

Disabled Veterans Parking.

House Bill 318 by Representative Berthelot (Act 213) provides free parking for disabled veterans at airports.

Natural Resources

by: Alan Miller
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2017 1st Extraordinary Session

No legislation on this topic for the first extraordinary session.

2017 Regular Session

Senate Bill 132 by Senator White (Act 189) creates an exception to the Louisiana Scenic Rivers Act that allows for the permitting of clearing and snagging, and dredging operations conducted or contracted for by a political subdivision, the state, or the federal government for drainage purposes, in the Comite River, West Pearl River, Tangipahoa River, Tchefuncte River, Bogue Falaya River, Abita River, Amite River, and Bayou Manchac.

Senate Resolution 154 by Senator Mills (Sent to Secretary of State) requests the Department of Natural Resources to study potential solutions that may mitigate spoil banks created on the lower Atchafalaya Basin affecting the natural water flows and fishing activities, including but not limited to the following:

1. Whether any spoil banks are adversely affecting fishing activities.
2. Whether the spoil should be placed into the water bottom or removed off site to an approved location such that there be no remaining spoil bank.

3. Whether a pipeline should be removed at the end of its useful life.
4. Whether any construction, maintenance, or any other work should be permitted between the East Atchafalaya Basin Protection Levee and West Atchafalaya Basin Protection Levee.
5. Whether permits for new pipelines should be granted to companies that are out-of-compliance with prior issued permits, until such time as those previously-issued permits are brought back into compliance.

The Department of Natural Resources is requested to seek participation of the following entities in conducting this study:

1. The United States Army Corps of Engineers.
2. The Coastal Protection and Restoration Authority.
3. The Atchafalaya Basin Research and Promotion Board.
4. The Sierra Club Delta Chapter.
5. The Louisiana Crawfish Producers Association West.
6. The Atchafalaya Basinkeeper.

7. The Louisiana Landowners Association.
8. The Louisiana Mid-Continent Oil and Gas Association.
9. The Department of Wildlife and Fisheries.
10. The Louisiana Association of Business and Industry.
11. The Department of Natural Resources, office of conservation, division of pipeline safety.
12. The office of state lands.
13. The Department of Justice, natural resources division.
14. The Louisiana Oil and Gas Association.
15. A crawfish wholesale buyer located on the east side of the Atchafalaya Basin.

House Bill 689 by Representative Marcelle (Act 425) Previously, each water conservation district, fresh water district, and ground water conservation district created by law was required to submit a written report of the district's ground water resources annually to the commissioner of conservation, Water Resources Commission, the Water Management Advisory Task Force, the Senate Committee on Natural Resources, and the House Committee on Natural Resources and Environment.

Act 425 requires the ground water report to be submitted semiannually rather than annually. Act 425 also requires that the commissioner promulgate a form with a check list of the pertinent information required to be included in the report. Act 425 further removes the ground water reporting requirement for water conservation districts and fresh water conservation districts, and adds the requirement to the designated regional bodies. Additionally, Act 425 changes the submission of the report from the Senate Committee on Natural Resources to the Senate Committee on Environmental Quality.

Currently, the report of the district's ground water resources is required to include, but not be limited to:

1. The amount of water used for residential, commercial or industrial, or agricultural purposes, respectively;
2. The actual and projected saltwater intrusion or encroachment;
3. Any current or projected sale of water for use outside of the state, including the amount of water so sold and the price paid by each out-of-state user.

Act 425 requires any governing authority of a ground water conservation district created by law or designated as a regional body by the Water Resources Commission to do all of the following:

1. Adhere to the Open Meetings Law.
2. Issue public notice of meetings, including an agenda, at 24 hours in advance.

3. Provide the public with the opportunity to comment on each agenda item on the agenda and for general comments at the end of each meeting.
4. Operate under Robert's Rules of Order.
5. Record and maintain minutes of each meeting.

Act 425 requires any standing subcommittee created by such governing authority to be composed of voting members that are of the governing authority, and that non-voting members that are experts in groundwater management be appointed by the commission.

2017 2nd Extraordinary Session

No legislation on this topic for the second extraordinary session.

Property

by: Angela De Jean
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

House Bill 415 (Pending House for concurrence) by Representative Leger would create a property right for the purpose of protecting the identity of an individual from unauthorized commercial uses, known as the "Allen Toussaint Legacy Act". House Bill 415 would provide that an individual has a property right in the commercial use by any medium in any manner without the individual's prior consent of the individual's name, voice, signature, photograph, or likeness, or any combination of the individual's name, voice, signature, photograph, or likeness. The property right is freely transferable, assignable, licensable, and heritable, does not expire upon the death of an individual, and, upon the death of an individual, vests in the individual's executors, administrators, heirs, legatees, and assignees according to the terms of a trust, testament, or other authorized instrument. Consent shall be exercised by the individual during the lifetime of the individual, a person to whom the right of consent has been transferred, assigned, or licensed, or, after the death of an individual. **House Bill 415** would provide that, subject to the terms of a transfer, assignment, or license of property rights, after the death of an individual, consent to the specified use of the

individual's name, voice, signature, photograph, or likeness shall be granted by no less than 50.001% of the owners of the right to use the name, voice, signature, photograph, or likeness of the individual. Compensation or other remuneration received for the specified use of the name, voice, signature, photograph, or likeness of the individual shall be shared by all owners of the right to each owner's respective ownership interest.

Subject to a transfer, an assignment, or a licensing agreement, the property rights provided by proposed law are exclusive to an individual during the individual's lifetime, and to the executors, administrators, heirs, legatees, and assignees of the individual for a period commencing after the individual's death and terminating upon the earlier of either fifty years or three consecutive years of nonuse of the individual's identity for any commercial purpose. A person who commercially uses the name, voice, signature, photograph, or likeness of an individual is liable to the holder of the property right for damages and disgorgement of profits, funds, goods, or services if the commercial use was not authorized. An aggrieved party may file a civil action in the parish where either one or more defendants reside or where a violation of proposed law occurred. The court may issue an injunction to prevent or restrain the unauthorized commercial use of the name, voice, signature, photograph, or likeness of the individual. The holder of the property right is entitled to recover for the unauthorized

commercial use of the property right by seeking actual damages and any profits that are attributable to the commercial use. **House Bill 415** would also provide that profits that are attributable to the commercial use shall not be considered in computing the actual damages. The court is authorized to award the prevailing party attorney fees and costs.

Proposed law would provide that it is not a violation of proposed law if the name, voice, signature, photograph, or likeness of an individual is used in any of the following manners:

- (1) In connection with a news, public affairs, or sports broadcast, including the promotion of and advertising for a sports broadcast, an account of public interest, or a political campaign.
- (2) A play, book, magazine, newspaper, musical composition, visual work, work of art, audiovisual work, radio or television program if it is fictional or nonfictional entertainment, or a dramatic, literary, or musical work.
- (3) A work of political, public interest, or newsworthy value including a comment, criticism, parody, satire, or a transformative creation of a work of authorship.
- (4) An advertisement or commercial announcement for any of the works described by proposed law.
- (5) In a photograph or likeness where the individual appears as a member of the public, an attendee of a photographed event, or in a public place, and the individual is not named.

- (6) By an institution of higher education or by a nonprofit organization, club, or supporting foundation that is authorized by the institution of higher education and established solely to advance the purposes of the institution of higher education under certain circumstances.
- (7) By any person practicing the profession of photography or his representative for certain purposes.
- (8) By a service provider of a system or network, under certain circumstances.

Proposed law would provide that the use of the name, voice, signature, photograph, or likeness of the individual within a work that is protected under proposed law is not an exempt use protected by proposed law if the claimant proves that the use is so directly connected with a product, article of merchandise, good, or service other than the work itself as to constitute an act of advertising, selling, or soliciting purchases of the product, article of merchandise, good, or service by the individual without the required prior consent. The commercial use of the name, voice, signature, photograph, or likeness of the individual in a commercial medium does not constitute a commercial use for purposes of advertising or solicitation if the material containing the commercial use is authorized by the individual for commercial sponsorship or paid advertising. **House Bill 415** would provide that the property rights granted by proposed law are not considered intellectual property for purposes of present law. The property rights granted by proposed law vest with respect to an individual on the effective date of proposed law, and applies only to individuals maintaining a domicile or

residence in Louisiana on or after the effective date of **House Bill 415**.

Senate Bill 9 by Senator Allain (Act 105) provides that an estate situated below is bound to receive the surface waters that flow naturally from an estate situated above, unless an act of man has created the flow. An estate situated below is the servient estate and is bound to receive the surface waters that flow naturally from a dominant estate situated above, unless an act of man has created the flow. Prior law provided that the owner of the servient estate may not do anything to prevent the flow of the water. Prior law further provided that the owner of the dominant estate may not do anything to render the servitude more burdensome. **Act 105** provides that the owner of the servient estate situated below may not do anything to prevent the flow of the water. **Act 105** further provides that the owner of the dominant estate situated above may not do anything to render the servitude more burdensome. Prior law provided that the owner of an enclosed estate who has no access to his estate other than by way of an existing waterway passing through neighboring property shall have a right and servitude of passage on such waterway. **Act 109 by Senator Allain** provides that such owner is bound to indemnify his neighbor for the damage he may occasion, and to reasonably compensate his neighbor for the right and servitude acquired if it is used for commercial or business purposes. **Act 109** provides that proposed law shall have prospective application only.

Public Safety/Law Enforcement

by: Nancy Vicknair
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2017 First Extraordinary Session

No legislation introduced regarding this subject matter.

2017 Regular Session

LAW ENFORCEMENT

House Bill 241 by Representative Chad Brown (Act 334) expands requirements within driver education and prelicensing training courses to include the economic and adverse effects of littering. Requires the Dept. of Public Safety and Corrections, public safety services, to establish and implement a curriculum within the driver education and prelicensing training courses relative to managing a routine traffic stop and requires the department to establish rules and regulations to administer and define the requirements within the courses.

Requires that such curriculum be developed that considers the actions of officers, the drivers and occupants, the number of occupants, the time and reason for the stop, the location of the stop, and any other circumstance surrounding the stop. Also requires that the course include instruction concerning law enforcement procedures for traffic stops; instruction on the importance of officers, drivers, and passengers maintaining integrity and respect during traffic stops; demonstrations of appropriate interactions with law enforcement; and demonstrations of

the proper actions to be taken during traffic stops.

House Bill 594 by Representative James (Pending House Judiciary) would require the Dept. of Public Safety and Corrections, public safety services, office of state police (state police) to investigate officer-involved incidents in East Baton Rouge Parish. Defines "law enforcement officer" as any Baton Rouge police officer and defines "officer-involved incident" as the death of an individual in East Baton Rouge Parish that results from the discharge of a firearm by a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his law enforcement duties.

Would require the Baton Rouge police department to immediately notify state police of any officer involved incident. Further requires the police department to secure the scene of any officer-involved incident to ensure that physical evidence and documentation is protected and preserved, and that all witnesses are identified and separated pending the arrival of the state police. Would require state police to coordinate with the personnel from the East Baton Rouge Parish coroner's office and the office of the district attorney for the 19th Judicial District, and any other law enforcement agency required to facilitate the investigation.

Would require state police to provide a briefing on the investigation to the Baton Rouge police department within 25 days of the officer-involved incident, and to submit all records of the investigation and a report on the material factual findings to the district attorney within 60 days. Also would provide that nothing prohibits an internal investigation into the officer-involved incident, but the internal investigation cannot interfere with the investigation conducted by the state police.

LAW ENFORCEMENT OFFICERS

House Bill 93 by Representative Miguez (Act 332) authorizes an immediate family member of a qualified law enforcement officer to purchase his duty firearm upon his death.

House Bill 213 by Representative Jimmy Harris (Pending House Judiciary) would require certain information to be reported by law enforcement agencies and the Council on Peace Officer Standards and Training to the La. Uniform Law Enforcement Statewide Reporting Database, and provide that certain personal information is not subject to disclosure.

House Bill 276 by Representative James (Act 101) authorizes law enforcement officers to secure counsel within 14 days of an officer-involved incident investigation and provides that if the police employee or law enforcement officer is confined to a medical facility due to injury or illness related to the officer-involved incident, or if two or more officers are involved in the officer-involved incident, the police employees or law enforcement officers have 30 days to secure representation.

House Bill 277 by Representative James (Act 210) requires all peace officers to successfully complete a minimum of 400 hours of basic core curriculum training and a minimum of 20 hours of in-service training on an annual basis to maintain P.O.S.T. certification, to be prescribed by the council. Requires the council to develop and implement curriculum for de-escalation, bias policing recognition, sudden in-custody death, and crisis intervention training, including law enforcement interaction with persons with mental illness and persons with developmental disabilities, for peace officers no later than Jan. 1, 2018.

House Bill 481 by Representative Jackson (Act 272) requires all law enforcement agencies and the Council on Peace Officer Standards and Training (council) to provide the following for inclusion in the Louisiana Uniform Law Enforcement Statewide Reporting Database: all P.O.S.T. certifications and decertifications, the final disposition of disciplinary actions that result in involuntary termination, resignations in lieu of termination, and resignations pending an investigation, and final judgments in civil cases related to civil rights violations under the provisions federal law relative to civil rights violations (42 U.S.C. 1983) or related to serious bodily injury as defined in R.S. 14:34.1(B)(3) or criminal cases related to the duties of a law enforcement officer when the misconduct of that specific law enforcement officer gave rise to the cause of action.

Requires that the database be electronically accessible to qualified law enforcement agencies and requires all law enforcement agencies to obtain and certify to the Louisiana Commission on Law

Enforcement and the Administration of Criminal Justice (commission) that it has received the information reported to the database prior to hiring a law enforcement officer.



Act 272 is applicable to part-time and reserve peace officers and requires part-time or reserve peace officers hired after Jan. 1, 2022, to successfully complete a certified training program approved by the council and successfully pass a council-approved comprehensive examination within one calendar year from initial date of employment. Requires the council to promulgate rules for the certification requirements of part-time and reserve peace officers employed prior to Jan. 1, 2022.

Requires part-time or reserve peace officers hired after Jan. 1, 2022, to successfully complete a certified training program approved by the council and successfully pass a council-approved comprehensive examination within one calendar year from initial date of employment.

2017 Second Extraordinary Session

No legislation introduced regarding this subject matter.

Retirement

by: Margaret Corley
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2017 1st Extraordinary Session

No legislation introduced for this topic during the first extraordinary session.

2017 Regular Session

RETIREES RETURNING TO WORK

House Bill 4 by Representative Miguez (Act 15) provides that a school nurse may return to work and earn up to 25% of his retirement benefit in any fiscal year. If he or she remains employed after reaching the earnings limitation, the benefit is reduced according to the percentage earned over 25%.

House Bill 31 by Representative Hoffmann (Act 120) provides that a retired school psychologist may return to work without a suspension of his retirement benefit if a critical shortage has been certified by the employing school district.

BOARD OF TRUSTEES

House Bill 33 by Representative Pearson (Act 366) allows the chairmen of the House and Senate committees on retirement, even if they are not members of the system boards, to authorize legislative staff to attend executive sessions of the board and committee meetings of the state and statewide retirement systems.

House Bill 32 by Representative Pearson (Act 23) replaces a non-elected active and contributing member trustee with a retiree trustee elected by the retired membership on

the board of trustees of the Municipal Employees' Retirement System.

SURVIVOR BENEFITS

Senate Bill 7 by Senator Peacock (Act 284) provides for the surviving spouse and or the children of a Louisiana State Trooper who was killed by an intentional act of violence to receive a survivor benefit equal to one hundred percent of the trooper's salary.

SOCIAL SECURITY OFFSETS

Senate Concurrent Resolution 22 by Senator Mizell (Sent to the Secretary of State) memorializes the Congress of the United States to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving public pension benefits for federal, state, or local government service during which they did not contribute to Social Security. These resolutions specifically applies to two different calculation rules which reduce Louisiana public employees' Social Security benefits, called the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP). These offsets were enacted by the federal government in the late 1970s and early 1980s in efforts to stabilize Social Security.

2017 2nd Extraordinary Session

No legislation introduced for this topic during the first extraordinary session.

Revenue & Taxation

by: Lenore Heavey
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

In anticipation of the June 30, 2018 "fiscal cliff," legislators, local elected officials, business and industry representatives, state and local government employees, and good government groups put hundreds of hours into several task forces that met to study aspects of the state's income and expenditures.

The Task Force established by SCR 6 of the 2016 First Extraordinary Session studied state and local taxation laws with respect to local government funding from ad valorem taxes on inventory and the associated state tax credit to identify and advance those ideas that would make the local government whole in lieu of the inventory tax. **Senate Bill 130 by Senator Allain (Pending Senate Revenue and Fiscal Affairs)** proposed a constitutional amendment that provided a 10-year phase out of the inventory tax coupled with a reduction in the school millage that could be exempted under the industrial property tax exemption program. While Senate Bill 130 did not receive a hearing in Senate Revenue and Fiscal Affairs, the concepts contained in the bill were heard on the Senate floor during the

debate on **Senate Bill 26 by Senator Morrell (Subject to call - Senate final passage)**, but did not receive the votes required to advance.

The Louisiana Legislature created the Task Force on Structural Changes in Budget and Tax Policy during the 2016 First Extraordinary Session. Representatives Barry Ivey and Julie Stokes both offered comprehensive tax reform packages based, in large part, on the task force's recommendations, but neither package made its way intact from the House to the Senate.

In response to the Governor's Task Force on Transportation Infrastructure Investment's final report, in which the task force determined that it will take "an additional \$700 million in annual recurring revenue to maintain what the State has built and continue to responsibly and strategically expand the system"

Representative Steve Carter offered **House Bill 632 (Subject to call - House final passage)**, that would have increased the tax on motor fuel by 17 cents per gallon and would have raised over \$550 million annually. Representative Carter was not able to secure the two-thirds vote necessary to send his bill to the Senate.

Because the state constitution requires that bills for raising revenue originate in the House



of Representatives, Senator Morrell took a different approach to reform and looked at the spending side of the tax code. After extensive review of the over 400 tax preferences reported in the Department of Revenue's Tax Exemption Budget during the 2016 Regular Session and 2016 First and Second Extraordinary Sessions, **Senate Bill 166 by Senator Morrell (Pending Senate Finance)** and **Senate Bill 206 by Senator Morrell (Pending Senate Finance)** were introduced to place sunset dates on the vast majority of state tax expenditures including credits, exemptions, exclusions, deductions, and special rates, however these instruments stalled in Senate Finance and were not advanced to the House.

Tax Credit Reform

Although this session did not bring about comprehensive tax reform, some steps were made in scaling back a handful of tax credits and rebates. Many of the changes made are intended to not only decrease the cost, but to improve the return on investment that the state receives from these tax expenditures.

For the first time since its creation, the Motion Picture Production Tax Credit will have a limit on the dollar amount of tax credits that can be granted by the Department of Economic Development in a single fiscal year. **Senate Bill 254 by Senator Morrell (Act 309)**, placed a \$150 million "front end" cap on the program and made the \$180 million tax credit claiming cap, that was set to roll off at the end of fiscal year 2018, permanent. The maximum tax credit that a single production can earn was reduced to \$20 million and the maximum credit rate was reduced to 40% of base investment. Additional changes to the program were made that are designed to

encourage productions to film outside of the New Orleans metropolitan area, to increase the number of Louisiana residents that are employed by the industry in the state, and to improve the credit's return on investment.

An overall annual program cap of \$10 million was placed on the Musical and Theatrical Tax Credit by **Senate Bill 248 by Senator Morrell (Act 396)**. In addition, the credit is limited to \$1 million per project and requires that 50% of the annual program cap be reserved for projects by non-profit organizations.

Senator Morrell's omnibus tax credit and exemption sunset bills did not make it out of Senate Finance, but **Senate Bill 172 by Senator Morrell (Act 403)**, that terminates unused tax credits, and **Senate Bill 178 by Senator Morrell (Act 323)**, that establishes sunset dates for many programs administered by the Department of Economic Development, were enacted.

The tax credit for alternative fuel vehicles was scaled back by **Senate Bill 243 by Senator Peacock (Act 325)**, which reduces the credit rate for conversion of vehicles and purchase of alternative fueling systems to 30% from 38%, applies the maximum tax credit for purchases of new vehicles of \$1,500 to all new vehicles, and makes the credit nonrefundable. **Senate Bill 172 by Senator Morrell (Act 403)** changed the maximum per vehicle credit for new vehicles from \$1,500 to \$2,500, which is still less than the \$3,000 per vehicle credit that was in effect when the credit was first established.

Senate Bill 95 by Senator Morrish (Act 377) converted the school tuition organization rebate to a nonrefundable tax credit that can

be used by individual and business taxpayers on their Louisiana income tax returns over three years.

Several tax incentive programs that are administered by the Department of Economic Development were restructured with the focus on improving their return on investment. These included the Ports of Louisiana Investor Tax Credit, **Senate Bill 150 by Senator Chabert (Act 245)**, and the Research and Development Tax Credit, **House Bill 300 by Representative Davis (Act 336)**.

Senate Bill 183 by Senator Morrell (Act 386) modernized the Quality Jobs tax incentive program, by increasing the wage rates that are necessary for businesses to earn the incentives and changing the mix of industries that are eligible for the program to adapt to a changing economy.

Clean Up from the 2015 and 2016 Sessions

Acts 25 and 26 of the 2016 First Extraordinary Session suspended several sales tax exemptions until July 1, 2018. **Senate Bill 180 by Senator Morrell (Act 426)** fully reinstates the medical device sales tax exemption a year early. **House Bill 629 by Representative Anders (Act 424)** reinstates the sales tax exemption for polyroll tubing used by farmers for irrigation beginning October 1, 2017.

Bills making the 28% income and corporate franchise tax credit reductions from Act 125 of the 2015 Regular Session permanent originated in both chambers. See **Senate Bill 79 by Senator Luneau (Act 400)** and **House Bill 516 by Representative Broadwater (Pending House Committee on Ways and**

Means).

Act 131 of the 2015 Regular Session placed an annual credit claiming cap on the solar system tax credit for purchases of the systems allowing \$10 million of solar credit to be claimed per fiscal year for each of the 2015-16, 2016-17, and 2017-18 fiscal years, however the entire \$30 million three-year cap was spoken for before the 2015 income tax return due date of May 15, 2016. **House Bill 187 by Representative Cromer (Act 413)** allocates an additional \$15 million over the next three fiscal years in order to make certain that taxpayers who purchased solar systems before Act 131 was enacted are able to claim the full amount of credit that they had earned under prior law.

State and Local Sales Tax Administration

Major steps forward in sales tax administration were made by **House Bill 601 by Representative Stokes (Act 274)**. The bill creates the Louisiana Uniform Local Sales Tax Board to provide uniformity and efficiency in the collection and administration of local sales and use taxes and the Louisiana Sales and Use Tax Commission for Remote Sellers, which will position Louisiana to be able to collect state and local sales tax on the vast majority of internet purchases should the current federal law restrictions be removed. This Act is the compilation of several years of effort by local tax administrators to simplify Louisiana's extremely complex local sales tax structure.

Social Services

by: Ann S. Brown
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

CHILDREN

Senate Bill 90 by Senate Erdey (Act 240) extends scholarships benefits to children of a police officer, deputy sheriff, or adult probation and parole officer within the Department of Public Safety and Correction killed or permanently disabled, or certain other investigative employees killed, in the performance of his duties to cover part-time attendance. Provides that the scholarship shall be available for the time period required to earn one undergraduate degree or one vocational or technical certificate or diploma.

House Concurrent Resolution 10 by Representative Dwight (Sent to the Secretary of State) requires the Louisiana State Law Institute to study the laws governing paternity and birth certificates to establish procedures to protect those husbands and ex-husbands who are not the biological fathers of children and to report its findings and recommendations to the legislature by Jan. 1, 2018.

Department of Children and Family Services / (DCFS)

Senate Bill 66 by Senator Barrow (Act 237) transfers the Children's Trust Fund and its' responsibilities from DCFS to the office of the governor and makes them answerable to the Children's Cabinet. Also transfers fulfillment of the Child Poverty Prevention Council's mission to the Children's Cabinet Advisory Board.

Senate Bill 54 by Senator Mizell (Act 376) provides that a child who is a victim of human trafficking is a child in need of care. Provides "shelter care facilities" for sexually exploited children. Also requires DCFS to:

- a. Identify and maintain a current listing of licensed residential homes that specialize in the provision of services to exploited children. This listing shall be made available to courts, prosecutors, law enforcement, and other stakeholders involved in proceeding pertaining to an exploited child.
- b. Investigate reports of abuse or neglect where the abuser is believed to be a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not. Further provides that

the department must fully cooperate with law enforcement, prosecutors, and court staff in the investigation and prosecution of child sexual exploitation, including ensuring that all state, federal and community-based resources for sexually exploited children are known and available to the child.

House Bill 154 by Representative Carpenter (Act 141) allows DCFS to obtain the name, age, preliminary diagnosis, and the manner of death of a deceased minor from the office of the coroner conducting the autopsy while the final autopsy is pending at no charge.

House Bill 317 by Representative Bagley (Act 59) allows DCFS to also accept surrenders (of children for adoption) in addition to the agencies licensed by the department.

MEDICAID

House Bill 492 by Representative Magee (Act 349) establishes and provides for an independent claims review process within the Medicaid managed care program.

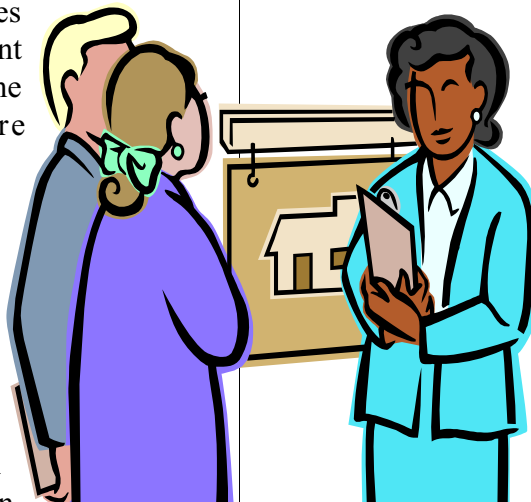
House Bill 281 by Representative Norton (Pending Senate Finance) requires the Louisiana Department of Health (LDH) to submit to the Centers for Medicare and Medicaid Services all Medicaid state plan amendments, promulgate all rules and regulations, and take other actions as

necessary to implement the Medicaid health home state plan option for Medicaid enrollees who suffer from a serious mental illness.

House Concurrent Resolution 55 by Representative Norton (Sent to Secretary of State) creates the Medicaid Integrated Care Assessment Task Force to make a thorough study and evaluation of Louisiana's current statewide system of healthcare delivery for Medicaid enrollees with serious mental illness.

House Bill 459 by Representative Bacala (Act 420) creates a six-member task force on coordination of Medicaid fraud detection and prevention initiatives within the office of the legislative auditor. Provides for the purposes and duties of the task force.

House Concurrent Resolution 11 by Representative Edmonds (Sent to Secretary of State) memorializes the U.S. Congress to authorize investigation and prosecution of Medicaid recipient fraud by state Medicaid fraud control units.



State Government

by: Dawn Watson
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

STATE CONTRACTS

In an effort to reward desirable behavior and have consequences for undesirable behavior, **Senate Bill 67 by Senator Fannin (Act 399)** prohibits public entities not in compliance with prior law auditing provisions from letting any public contract that utilizes any state funds, whether received through direct appropriation or through transfer from another public entity, or whose funding relies upon the full faith and credit of the state. Current law already prohibits the appropriation of funds in the general appropriations act, the capital outlay act, or other appropriation act to any entity that fails or refuses to comply with state audit requirements.

STATE BUILDINGS, GROUNDS AND PROPERTY

There were two bills in the 2017 Regular Session directed at state buildings, grounds, and property. One of the bills is **Senate Bill 1 by Senator Thompson (Act 374)** which seeks to rename the Louisiana School for Math, Science, and the Arts as the Jimmy D. Long, Sr. Louisiana School for Math, Science, and the Arts. Former state Representative Jimmy D. Long, Sr. served thirty-two years in the Louisiana House of Representatives, sixteen of those as chairman of the House Committee

on Education. He was the author of the legislation to create the Louisiana School for Math, Science, and the Arts, a public magnet boarding school in his hometown of Natchitoches, and is one of the founders of the school. He is regarded by many of his colleagues and contemporaries as an authority on education policy. This was one of the most contentiously debated bills in the committees this session. Opposition to the bill has come from members of the alumni association of the school who testified regarding concerns on the re-branding of this public property after a name change.

The other bill on this topic is **Senate Concurrent Resolution 60 by Senator Perry (Sent to Secretary of State)** which designates the grounds surrounding the Old Arsenal Museum on the capitol grounds as The Louisiana Veterans Memorial Park.

STATE EMPLOYEES

There were a couple of bills regarding state employees that moved through the session. One bill with a direct impact on many state employees is **House Bill 268 by Representative Jimmy Harris (Act 147)**. This Act requires certain agencies with access to federal tax information, criminal history information, or state issued REAL ID information to fingerprint and perform criminal history records check on current and prospective employees, contractors and subcontractors. The agencies impacted include: the Department of Revenue; the Department of Justice, collections section and

information technology section; the division of administration, office of technology services; the Department of Children and Family Services, child support enforcement and family support; the Louisiana Department of Health, medicaid eligibility section; and, the Louisiana Workforce Commission, office of unemployment insurance administration. It is anticipated that the legislation will require over 2,000 state employees to be fingerprinted and criminal background checks and it will cost agencies about \$48 per employee, contractor or subcontractor. The legislation requires that the agencies use the information gathered from the background check in determining suitability of the current or prospective employee, contractor or subcontractor. The legislation also require that criminal record checks be executed on current employees at least once every ten years.

To address recognized needs by public servants, **House Bill 90 by Representatives Danahay and Gregory Miller (Act 30)** specifically allows a public servant to receive any thing of economic value as a contribution or donation of up to a total of \$25,000 from a not-for-profit organization or funds within the not-for-profit organization for the purpose of disaster aid or relief to offset any economic losses suffered by the public servant as a result of a gubernatorially declared disaster or emergency. Special provisions were enacted to allow these same contributions to be made to elected and appointed officials and public employees during the time period of the declared disasters and emergencies of Hurricanes Katrina and Rita.

Another widely supported bill for certain state employees is **Senate Bill 222 by Senator Erdey, et al (Act 391)** which provides certain

benefits to firemen and law enforcement officers who suffer a catastrophic injury resulting in permanent and total disability caused by an individual with the specific intent to kill an officer while the officer is engaged in the performance of his official duties. This legislation was prompted by the tragic events in Baton Rouge in the summer of 2016. The Act provides for the payment by the state of the firemen or officer's portion of insurance premiums as well as co-payments and deductibles. The decision as to eligibility for the benefit rests with the Law Enforcement Officers and Firemen's Survivor Benefit Review Board.

STATE DEPARTMENTS & AGENCIES

Over the past several years, the legislature has made a sincere effort to maximize the utilization of space in state owned buildings and in state leased buildings in an effort to reduce any additional leasing of space in nonpublic buildings. **Senate Concurrent Resolution 48 by Senator Milkovich (Sent to Secretary of State)** urges and requests the division of administration to require all state agencies to include on their website information regarding any properties leased by the agency. Specifically, the resolution requests that the agency indicate whether or not it leases any space in a nonpublic building for their operations. If the agency does in fact lease such space, it must also provide information regarding: (1) the location and the dimensions of the space leased; (2) the identity of the owner of the building where such space is leased; (3) the cost of the space; and (5) the footage of underutilized space. The resolution requests that the information be posted within sixty days of executing the lease and updated regularly and that the Commissioner of Administration submit a report to the legislature on such information

by September 1, 2017.

STATE FUNDS

Bringing to the state an issue of national debate, **House Bill 676 by Representative Hodges (pending Senate Committee on Judiciary B)** would prohibit a state agency (or political subdivision) from enacting or adopting any sanctuary policy or otherwise endorsing or enforcing a policy which discourages enforcement of federal immigration laws or prohibits a law enforcement officer from communicating or cooperating with federal authorities concerning the immigration status of any person lawfully in arrested within our state. The legislation would also require any political subdivision of the state to certify its compliance with the law prohibiting such policies as a qualification for eligibility for any state grant money or general appropriation funds and requires the Attorney General to seek recovery of any state grant money or general appropriation funds received by the noncompliant political subdivision. The legislation would also provide that any person or entity may file a complaint regarding a violation of the proposed law with the Attorney General and the attorney general's office is required to investigate all complaints. According to the fiscal note and the Center for Immigration Studies, the only political subdivision in Louisiana that proposed law may impact currently is the city of New Orleans. If the Attorney General agrees that New Orleans meets the definition of "sanctuary city", the AG is required to seek recovery of statutory dedications and capital outlay funding that is appropriated to Orleans Parish.

Again, reflecting themes of debate and discussion at the national level, **Senate Bill 223 by Senator Riser (pending Senate conference)** would have prohibited investment fund managers from investing the state's special funds monies in companies and in nations that support terrorism. The legislation specifically named Iran, Sudan and Syria as the nations in which investment is prohibited. Regarding the investment prohibition in certain companies, the proposed legislation defined those companies as companies located in a prohibited nation or a mutual fund that contains any investment in a company or companies located in a prohibited nation. The state treasurer would have been required to enforce the prohibited investment policy, periodically report to the legislature regarding compliance, provide a timetable for divestment where appropriate and has authority to add or remove nations from the specific list of prohibited nations. What is arguably most significant about this legislation is that it is a dramatic departure from prior policy where the authorization of the investments were based on recognized, reputable analysis and evaluation of financial risk, stability and return on investment. According to the fiscal note, the treasurer is anticipating that this shift in policy will be more symbolic than any change to current investments.



Transportation & Development

by: Sharon Lyles
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2017 Regular Session

During the last several years, millions of dollars in the Transportation Trust Fund have been diverted and used for other purposes. The first step to increasing funding for infrastructure is to restore "public trust" in the use of monies dedicated to the Transportation Trust Fund. The second step to emerge this Session is DOTD accountability and transparency.

The state's operating budget in **House Bill 1 by Representative Henry (Pending House Conference)** would have provided funds for the department's operating budget in Schedule 7. For the second year, it did **not** divert Transportation Trust Fund dollars to fund state police operations.

Senate Bill 57 by Senator Cortez (Subject to Call -House Final Passage) proposed to amend the Article VII, §27 of the Louisiana Constitution to remove "state police for traffic control purposes" as an authorized use of the monies deposited into the Transportation Trust Fund.



House Bill 354 by Representative Thibaut (Sent to Secretary of State) proposes a constitutional amendment to the Transportation Trust Fund, Article VII, §27 of the Louisiana Constitution to create a "Construction Subfund" for deposit of new revenues on motor fuels dedicated solely to highway and bridge construction. This proposed constitutional amendment will be submitted to vote of the people on October 17, 2017; however, the Legislature did not enact an new motor fuel taxes.

House Bill 598 by Representative Abramson (Vetoed) proposed changes to the Highway Priority Program to enhance accountability and transparency in the prioritization process for projects.

House Bill 632 by Representative Steve Carter (Subject to Call - House Final Passage) proposed to increase by 17 cents the excise tax on gasoline and special fuels. Louisiana's gas tax is a flat tax of 20 cents, 4 cents of which are dedicated to debt service on the TIMED Program. Louisiana's gas tax has not been increased since 1990, some 27 years ago.

Highway and Bridge Designations

LA R.S. 48:192(D) requires an Act of the Legislature to name any state highway.

Several bills were filed this Session to designate state highways and bridges. A fiscal note on **Senate Bill 60 by Senator Walsworth** advised that the department expends \$ 1,100 from the Transportation Trust Fund - Regular to fabricate and install two memorial signs per location. Material and labors costs for signage are estimated to recur every ten years in perpetuity as roadway signs require replacement due to age or damage. Each bill enacted requires local or private monies not to exceed \$550 per sign to be provided to the Department of Transportation and Development to fund sign costs due to the state's budgetary crisis and the backlog of highway construction dollars.

Senate Bill 23 by Senator Alario (Act 233) designates the new bridge across Goose Bayou on LA 45 in Jefferson Parish as the "Jules Nunez Bridge".

Senate Bill 60 by Senator Walsworth (Act 398) designates a portion of US 425 in Chase, in Franklin Parish, as the "Trooper Bobby Smith 'Vision of Courage' Memorial Highway, a portion of US 165 near Sterlington, in Ouachita Parish, as the "Sterlington Police Officer David Elahi Memorial Highway", and a portion of LA 557 in West Monroe as the "Justin Levi Beard Memorial Highway".

Senate Bill 94 by Senator Gary Smith (Act 110) designates the parallel bridges crossing the Reserve Relief Canal on I 10, in St. John the Baptist Parish, as the "Spencer Chauvin Memorial Bridge", designates a portion of US 190 in West Baton Rouge Parish as the "Trooper Francis C. Zinna Memorial Highway", and designates a portion of US 190 in Livonia, in Pointe Coupee Parish, as the "Lawrence Russo Memorial

Highway".

House Bill 18 by Representative Jenkins (Act 116) designates a portion of LA 1 in Shreveport as the "Deacon Cleophus Banks, Jr. Memorial Highway", and a portion of LA 31 in Breaux Bridge as the "Dr. Martin Luther King, Jr. Memorial Drive".

House Bill 29 by Representative Howard (Act 119) designates a portion of LA 171 in Anacoco as the "Sergeant James Edward Martin Memorial Highway".

House Bill 39 by Representative Hill (Act 121) designates a portion of LA 377 in Vernon Parish as the "Corporal Leonard Carroll Bond Memorial Highway".

House Bill 40 by Representative Howard (Act 122) re-designates a portion of LA 118 in Peason, in Sabine Parish, as the "Joe Kirk Memorial Highway", and designates a portion of LA 26, n Jefferson Davis Parish, as he "Michael Phillips Memorial Highway" and a portion of LA 102 in Jennings, as the "Burton "Burt" LeBlanc Memorial Highway".

House Bill 100 by Representative Johnson (Act 132) designates a portion of LA 1 in Simmesport, LA, as "Joe Simon Boulevard".

House Bill 193 by Representative Jim Morris (Act 144) designates the LA 2 bridge which crosses James Bayou in Caddo Parish as the "Hart's Ferry Bridge".

House Bill 319 by Representative Jordan (Act 339) designates a portion of LA 1 in Port Allen, in West Baton Rouge Parish, as the "Dr. Martin Luther King, Jr. Memorial

Highway".

House Bill 510 by Representative Lance Harris (Act 155) designates a portion of LA 1 in Alexandria, in Rapides Parish, as the "Deputy Marshal Glen Denning DeVanie Memorial Highway".

House Bill 611 by Representative Glover (Act 157) contingent upon its completion, designates the portion of I 49 between I 220 and LA 1 in Shreveport, Caddo Parish, as the "T. J. Hawkins, Craig E. Lear, Cooper Road USA Expressway".

2017 2nd Extraordinary Session

House Bill 1 by Representative Henry (Act 3) provides funds to operate the Department of Transportation and Development in Schedule 7. It appropriates \$49,444,200 for Administration and \$566,337,711 for Engineering and Operations. The Department's primary revenue source is the Transportation Trust Fund. The department receives no general funds. For the second year in a row, it did **not** divert Transportation Trust Fund dollars to fund state police operations.

Parish Transportation

House Bill 1 by Representative Henry (Act 3) appropriates \$46.4 million dollars in Transportation Trust Fund dollars to the Parish Transportation Fund. This amount is approximately \$16.4 million dollars more than the one cent Article 7, Section 27 of the Louisiana Constitution requires. Each penny of gasoline and special fuels tax equals about \$30 million dollars.

Priority Programs

House Bill 2 by Representative Abramson (Act 4) the Capital Outlay Bill includes funding for the following department programs:

Highway Program **\$917,356,985**

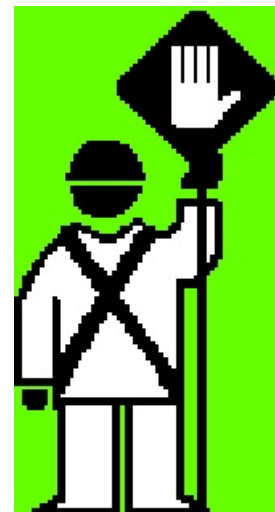
Non-Federal Aid Eligible Highway Program
\$ 41,400,000

Port Construction and Development Priority Program **\$ 39,400,000**

State Aviation and Airport Improvement Program **\$ 28,268,784**

Statewide Flood Control Program
\$ 9,922,323

The Omnibus Bond Authorization Act of 2017, **House Bill 3 by Representative Abramson (Act 5)** authorized the sale of general obligation bonds in the Capital Outlay Bill, including general obligation bond project appropriations for the department.



Wildlife & Fisheries

by: Alan Miller
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2017 1st Extraordinary Session

No legislation on this topic during the first extraordinary session.

2016 Regular Session

Senate Bill 207 by Senator Allain (Act 404)

Prior law required that the monies credited to the "Saltwater Fish Research and Conservation Fund" (fund) be used by the office of fisheries for data collection and management and conservation of recreational saltwater fish species.

Act 404 restricts the prior law by further limiting use of the funds only to the administration and conducting of the Louisiana Recreational Creel Survey (LACREEL) and the Recreational Offshore Landing Permit program (ROLP).

Act 404 prohibits monies allocated to the approved programs or monies appropriated to the Department of Wildlife and Fisheries from being used on or for any of the following purposes:

- (1) Creating any exempted fishing permit program or pilot program as recognized and granted by the U.S. Dept. of Commerce through the National Oceanic and Atmospheric Administration - National Marine Fisheries Service, that establishes a limited access or entry program for licensed fishermen, either voluntarily

or required, fishing in territorial waters, including the boundary from the shoreline to a distance nine miles into the Gulf of Mexico, as established by federal law.

- (2) Creating limited entry programs including but not limited to lotteries established for any of the following:
 - (a) The issuance of fish harvest tags.
 - (b) The issuance of fish harvest tags on a "first-come, first-served basis" for more than 80 percent of the total allowable catch of an individual species of fish.
 - (c) The limitation of days at sea that further restrict access to a number of days that differs from seasons established for all licensed fishermen by the Dept. of Wildlife and Fisheries (LDWF) or the Gulf of Mexico Fishery Management Council.
 - (d) The creation of fisheries unit efforts or effort units or any other program that limits access for licensed fishermen to fish other than the beginning and end dates of established seasons as

determined by the secretary of LDWF in consultation with the LDWF commission or seasons set by the Gulf of Mexico Fishery Management Council.

- (e) The creation or enforcement of any individual fishing quota or individual transferrable quota systems for licensed fishermen, licensed charter boat fishing guides, and federally permitted licensed charter boat operations in which vessels used in that operation are registered in the state.
- (f) The establishment of any mandatory reporting programs by licensed fishermen, including required advanced notification of any department personnel prior to commencement of a fishing trip by licensed fishermen.
- (g) The creation of any mandatory reporting program in which licensed fishermen are required to report their catch immediately upon returning to port after fishing unless during a dockside intercept conducted by LDWF personnel conducting dockside intercept surveys on behalf of LACREEL or ROLP.

Act 404 further provides that if LDWF violates any of the prohibitions in the Act, then the treasurer shall not release any more

monies credited to the fund to LDWF, until such time as LDWF ceases its violation.

Senate Concurrent Resolution 67 by Senator Allain (Sent to Secretary of State) memorializes Congress to pass legislation or adopt policies allowing Louisiana to manage the Gulf of Mexico red snapper fishery out to two hundred nautical miles off the coast of Louisiana.

Senate Bill 77 by Senator Lambert (Act 109) allows the taking of shad during the closed season and on weekends of the open season with a shad gill net for bait purposes only, and with the following limitations:

- (1) The shad gill net shall not exceed 150 feet in length.
- (2) No more than 50 pounds of shad shall be taken per day.
- (3) The gill net shall be attended at all times.

Senate Bill 103 by Senator Riser (Act 185) Prior law required that if a game and fish commission makes rules and regulations for the government, regulation, and control of the preserve and for the conservation, protection, and propagation of game and fish in the preserve, the rules and regulations shall be finally approved, adopted, and promulgated by the La. Wildlife and Fisheries Commission (WL&F Commission).

Act 185 retains these provisions and requires a public hearing prior to adoption of a rule by a game and fish commission. Act 185 further provides that proposed rules and regulations of a game and fish commission are effective only when approved and promulgated by the

WL&F Commission. However, if WL&F Commission fails to take action on the proposed rules and regulations within 180 days after submission by the commission, then the proposed rules and regulations shall be deemed to be adopted.

Act 185 requires the game and fish commission to publish in the Louisiana Register any adopted rule that has not been adopted by the WL&F Commission and submit the rule to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources for legislative oversight review.

Act 185 also limits the liability of the WL&F Commission for actions under any rule adopted by a game and fish commission when the WL&F Commission has failed to take action within the 180 day period.

House Bill 156 by Representative Dwight (Act 259) Prior law provided for oyster harvesting on Calcasieu Lake and Sabine Lake by use of tongs, hand scrapers, or a single scraper with mechanical assist and a flat bar with a length of no more than 36 inches.

Act 259 limits the gear used for oyster harvesting on Calcasieu Lake and Sabine Lake to hand tonging.

House Concurrent Resolution 62 by Representative Stuart Bishop (Sent to the Secretary of State) requests the Dept. of Wildlife and Fisheries and the Dept. of Agriculture and Forestry to evaluate any hog toxicant prior to approval in Louisiana as to its potential impacts on wildlife and the effects of

consumption of that wildlife on humans and to seek opportunities to cooperate where the exercise of each department's duties and responsibilities significantly impacts the other department.

2017 2nd Extraordinary Session

No legislation on this topic during the second extraordinary session.

